DOCUMENT RESUME

ED 263 285 UD 024 563

TITLE	Southeast Regional Conference on Immigration and Refugee Issues: Proceedings and Notes. Occasional Paper Series, Dialogues #51.
INSTITUTION	Florida International Univ., Miami. Latin American and Caribbean Center.
PUB DATE	Sep 85
NOTE	140p.; Catholic Community Services, National Immigration, Refugee and Citizenship Forum, Florida International University (November 1983).
AVAILABLE FROM	Latin American and Caribbean Center, Florida International University, Tamiami Campus, PC 237, Miami, FL 33199 ($4.00).
PUB TYPE	Collected Works - Conference Proceedings (021) -- Reports - General (140)
EDRS PRICE	MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS	Cubans; Economic Factors; Government Role; Haitians; *Immigrants; International Relations; Labor Market; *Public Policy; *Refugees
IDENTIFIERS	Florida; *Immigration Impact; Refugee Legislation

ABSTRACT

Papers presented at the 1983 Southeast Regional Conference on Immigration and Refugee Issues are provided in this document. Also included are the reports of five conference workshops and transcripts of three roundtable discussions on the issue of asylum. The papers (and their authors) are: (1) "The Ethics of Immigration" (Bryan O. Walsh); (2) "International Relations and Interstate Relationships" (Alejandro Portes); (3) "Immigration as an Economic Issue" (Raul Moncarz); (4) "Labor Issues in Immigration: Introductory Remarks" (Aurora Camacho de Schmidt); and (5) "The Small Print on the Statue of Liberty" (Fernando Gonzalez-Reigosa). The workshop reports (and their authors) are: (1) "Immigrants and the Judicial System" (Alex Stepick); (2) "Immigrants and Community Relations" (Luis Salas); (3) "Economic and Labor Aspects of Immigration" (Hugo M. Hervitz); (4) "Immigration and Foreign Policy" (John F. Stack, Jr.); and (5) "Human Resources and the Adaption of Immigrants" (Christopher Warren). A keynote speech, "Immigration Policy: The World House and the United States" (by Walter Fauntroy) and highlights of a speech by Alan Nelson are also provided. (KH)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

ED263285

Catholic Community Services
National Immigration, Refugee and Citizenship Forum
Florida International University

SOUTHEAST REGIONAL CONFERENCE ON IMMIGRATION AND REFUGEE ISSUES: PROCEEDINGS AND NOTES

"PERMISSION TO REPRODUCE THIS MATERIAL IN MICROFICHE ONLY HAS BEEN GRANTED BY
Mark Rosenberg
Florida International
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Occasional Papers Series Dialogues #51

September 1985

Latin American and Caribbean Center
Florida International University
Miami, FL 33199

UD024563

PREFACE

The Southeast Regional Conference on Immigration and Refugee Issues was held in Miami, Florida in late November 1983. It was the result of the extensive efforts of community institutions and agencies which are vitally concerned with the ethical and policy implications of the continuing refugee and immigrant influx for South Florida and the country.

Attracting over 250 participants on each day, the conference was a unique event which brought together political leaders, policy makers, labor leaders, journalists, community leaders, agency and department heads and academicians. The Conference offered participants a range of different opportunities to become acquainted with or deepen their understanding of the complexity surrounding immigration and refugee issues. Formal papers offered by leading academic and policy specialists were followed by simultaneous working group sessions chaired by distinguished national and community experts. Critical points of agreement and disagreement emerging from these sessions are reported on pages 51-79 of this document.

The diversity and flavor of the gathering is uniquely captured in the Roundtable summaries which can be found on pages 79-109. Keynote addresses by the Congressman Walter Fauntroy, Chairman of the Congressional Black Caucas, Allen Nelson, Commissioner of the Immigration and Naturalization Service of the U.S. Department of Justice, and Mario Obledo, President of the League of United Latin American Citizens (not included in this publication) underscored the national importance of the meeting.

While there were three primary sponsors, the Catholic Community Services, the National Immigration, Refugee and Citizenship Forum and Florida International University, the conference could not have been held without the assistance and voluntary efforts of the following individuals and agencies: Betty Lou Barbieri, Michelle Ivy, Esq., Manuel Rivero, Alina Fernandez Thomas, Rosa Urquiola, Juan Urquiola, Clara Cordero, Robert Stevenson, Alina Becker, Cecilia Altonaga, Dr. Gregory Wolfe, Gema Hernandez, Dr. Antonio Jorge, Dr. Alex Stepick, Dr. Raul Moncarz, Dr. Juan Clarke, Dr. Arnhilda Gonzalez Quevedo, Dr. Tanya Saunders-Hamilton, Dean K. William Leffland, Hon. Maurice Ferre, Cesar Odio, Adolfo Levya, Phyllis Eisen, Sergio Pereira, Guarione Diaz, and Teri Sunday; the U.S. Department of Justice-Community Relations Service, Greater Miami United, the Dade Miami

Criminal Justice Council, the City of Miami, Metro-Dade Community Action Agency, the Public Interest Law Bank and the Cuban National Planning Council.

Finally, Marcella Noriega de Leyva should be acknowledged for her work in assembling and editing the final materials which are included in this document.

Mark B. Rosenberg
Director
Latin American and Caribbean Center
Florida International University
Miami, Florida 33199
September 1985

TABLE OF CONTENTS

Page

I. Introduction/Summary/Overview 1

II. Plenary Session 1: Opening Speeches.

- Monsignor Bryan O. Walsh: THE ETHICS OF IMMIGRATION 6
- Alejandro Portes: INTERNATIONAL RELATIONS AND INTERSTATE RELATIONSHIPS 17
- Raul Moncarz: IMMIGRATION AS AN ECONOMIC ISSUE 25
- Aurora Camacho de Schmidt: LABOR ISSUES IN IMMIGRATION: INTRODUCTORY REMARKS 41
- Fernando Gonzalez-Reigosa: THE SMALL PRINT ON THE STATUE OF LIBERTY 46

III. Workshop Reports.

- Alex Stepick: IMMIGRANTS AND THE JUDICIAL SYSTEM 51
- Luis Salas: IMMIGRANTS AND COMMUNITY RELATIONS 58
- Hugo M. Hervitz: ECONOMIC AND LABOR ASPECTS OF IMMIGRATION 64
- John F. Stack, Jr.: IMMIGRATION AND FOREIGN POLICY 68
- Christopher Warren: HUMAN RESOURCES AND THE ADAPTATION OF IMMIGRANTS 72

IV. Plenary Session 2: DISCUSSION ON ASYLUM

- Round Tables (I, II, III) 79
  - o Executive Summary of the Round Tables 105

V. Keynote Speeches.

- Walter Fauntroy: IMMIGRATION POLICY: THE WORLD HOUSE AND THE UNITED STATES 110
- Alan Nelson (Highlights) 126

I. Introduction/Summary/Overview.

INTRODUCTION/SUMMARY/OVERVIEW

On November 18-19, 1983, Florida International University, Catholic Community Services of Miami, and the (Washington-based) National Immigration, Refugee and Citizenship Forum sponsored the "Southeast Regional Conference on Immigration and Refugee Issues." This conference was designed to emphasize problem-solving perspectives on domestic and foreign policy aspects of migration, and to promote greater collaboration among diverse interests at the local, regional and national levels. The conference was to encourage more systematic communication among various regions of the country and the United States (US) Government in order to promote federal policy responsive to local needs. Over 200 participants attended, including representatives from religious organizations, labor, state and local governments, as well as black, hispanic, and other ethnic and refugee groups, voluntary agencies, academia, and many others.

The conference was the third in a series of regional working meetings sponsored by the National Forum, in conjunction with locally-based organizations around the country. It was organized into 3 parts: 1) an opening plenary session of speeches on a variety of issues related to immigration; 2) 5 concurrent afternoon workshops; and 3) a second plenary session of workshop reports the following day, plus a round table discussion on asylum. During the conference, keynote speeches were delivered by Congressman Walter E. Fauntroy (D-D.C.), and the Honorable Alan C. Nelson, Commissioner of the US Immigration and Naturalization Service (INS).

Plenary Session 1: Friday, November 18th.

The Reverend Edward A. McCarthy, Archbishop of Miami, gave the opening invocation, followed by welcoming remarks from the Honorable Maurice Ferre, Mayor of the City of Miami, and Dr. Gregory B. Wolfe, President of Florida International University. Mayor Ferre stressed the importance of the immigration issue to the Miami community, noting the Mariel experience of 1980 and the ensuing ethnic tensions. He described the efforts of the Miami area in dealing with a unique mass first asylum situation which resulted in a population increase of more than 20% in a 3-month period. Dr. Wolfe addressed the more personal aspects of the immigrant experience by stressing the immigrants' reasons for leaving their native countries, and the life they found in the US.

Dale Frederick (Rick) Swartz, President of the National Immigration, Refugee and Citizenship Forum, outlined the purpose and structure of the conference. He emphasized the need for cooperation and collaboration among the diverse groups in southeastern US, as well as the need for a more effective communication between this region and others in the country, and with federal policy-makers. In order to achieve this goal, the groups involved must set aside ideological differences, look at the character of the issues objectively, focus on the facts, and identify policy options. Commonality of identified concerns then could lead to greater collaboration and more effective policy-making.

Mr. Swartz also gave an update on the status of the Simpson-Mazzoli bill, whereby he again stressed the importance of collaboration among the many groups involved with or affected by the legislation. He warned against falling victim to "divide and conquer" tactics designed to intensify divisions between groups and create backlash against the newer immigrants.

In his "The Ethics of Immigration," Monsignor Bryan O. Walsh questioned the social ethics of Miami's society, given its reaction towards the 1980 massive influx of Mariel Cubans and Haitians in Miami. He illustrated how some of the most cherished values of American culture, freedom and equality, have been violated by Miami's society as the latter has been reacting negatively against these newcomers shortly after their arrival. He concluded that a society tends to abandon its social values when faced with what is perceived as a threat or a crisis to its status-quo.

In his presentation on "International Relations and Its Impact on Immigration," Alejandro Portes stated that US economic and cultural penetration of the Caribbean Basin has raised consumption styles in the region, thereby creating a gap between high expectations and a harsh economic reality. This gap becomes a primary cause for migration to the US. He added that he considers international migration to be a process which occurs not between 2 separate political units, but rather within the same overarching unit: the world economy. As a result, the "lines of battle" concerning immigration policy are defined not by nationality, but by economic and social interests which transcend national boundaries.

In his "Immigration As an Economic Issue," Raul Moncarz outlined the effects of international migration on South Florida. He said that the human resources of this predominant Latin influx have contributed greatly to the economic progress of the area, as the hispanic manpower has been well suited in its composition and distribution to the needs of the labor market. As a result of this migration, South Florida has become a center for Latin American trade.

In her "Labor Issues in Immigration: Introductory Remarks," Aurora Camacho de Schmidt described the nature of the US labor market and its relation to global migration. Quoting Mexican researcher Jorge Bustamante, Mrs. Schmidt stated that 1) undocumented workers contribute to US society by producing wealth, and 2) they have rights. She challenged US policymakers to recognize these issues as they design and implement immigration reform.

In his speech, "The Small Print on the Statue of Liberty," Fernando Gonzalez-Reigosa discussed the socio-cultural aspects of the adaptation of immigrants. He explained that while the US population is of heterogenous origin, a homogenous majority has emerged, nonetheless. The unifying force for this ethnically diverse amalgam has been the acceptance of shared economic values, language and cultural norms. He noted, however, that nonwhite minorities have not been encouraged to"melt" into this majority. This is particularly significant considering that the current migration to the US is largely black or "brown" in origin. This situation, in turn, creates a growing population of immigrants, who will be physically and psychologically marginalized due to their racial differences from the norm.

Workshops: Saturday, November 19th.

Participants in the workshops were urged to take a "problem-solving" approach to the issues presented, rather than simply state their organization's position or concerns. It was suggested that the workshops be organized around 4 general themes: 1) the facts known, unknown, or in controversy, which are relevant to policy development and implementation; 2) the objectives of domestic and/or foreign policy with regard to the topics addressed; 3) the policy options which are and/or should be under consideration, and pro/con considerations; and 4) the issues of politics and implementation which realistically need to be taken into account.

The validity of this method was confirmed by the surprising amount of consensus that emerged despite the divergence of opinion. By focusing on the facts, participants were able to analyze objectively the character of the issues, identify options, and, as a group, propose recommendations.

II. Plenary Session I: Opening Speeches

THE ETHICS OF IMMIGRATION
(Ethical issues faced by the community in the Miami refugee experience)

Monsignor Bryan O. Walsh, Director
Catholic Community Services
Archdiocese of Miami

Ethics have been defined as the philosophical study of voluntary human action with the purpose of determining which types of activity are good and to be done, or bad and not to be done. It is individual when it concerns the activity of individuals, and social when it concerns the relationship between people in community or society.

It is necessary to state the writer's understanding of the term "ethical system" in order to establish the context for the remainder of this discussion. In line with modern thinking, we state our ethical teaching in terms of values which are meant to be realized according to the particular situation of each individual, his cultural and sociological context.

Ethics then is to be distinguished from law. As an indicator, law spells out the concrete way in which society may fashion its way of life according to values which hold good for all. Law, however, may be an inadequate expression of a given value and must, therefore, be subject to review and revision.

By this very nature, it is necessary for communities to constantly reexamine their positions in the light of social ethics; otherwise, they run the risk of loosing sight of the common good of society. This, indeed, may be one of the greatest difficulties facing communities in our time, a problem that many do not seem to be aware of (yet the credibility of what is advocated may well depend on how, in a particular situation, the specific good is reconciled with the common good). The Miami experience offers a concrete example for our reflection.

With this description, we can look now at the subject of this paper: ethical issues in immigration. The specific setting for our reflection is the influx of some 100,000 Cuban and Haitian refugees into Miami during the summer of 1980, an estimated increase of 6.25% in the population during a 3-month period.

Let us first establish that a community is a delicate balance of human relationships. The more homogenous and stable a community is, the more solid will its relationships appear. Pre-May 1980, Miami was neither homogenous nor stable. A 7-year lull in the 22-year Cuban migration had created an appearance of calm; but this calm in intergroup relations was deceptive. For 7 months, a small group of key human relations professionals from the Community Relations Board, the American Jewish Committee, the National Conference of Christians and Jews, and the Catholic Community Services had been meeting with the Catholic Archbishop seeking solutions to what these experts perceived as a growing polarization between Anglos, Blacks, and Hispanics. Only a month before the Mariel Cuban influx, the Archbishop and the group had met with the Governor of the State to alert him to these concerns. A meeting between the Governor, the Archbishop and top business leaders was planned, but never occurred as history overtook our planning.

The rapid escalation of events in April and May, 1980 brought a number of ethical issues into the limelight, issues challenging some of the basic values of American society, justice, freedom, equality, respect for persons, love, mutual help. Let me take that last first, since it was one of the few instances where, at least, part of the community rose to the challenge for a while.

The first weeks of the crisis provided an extraordinary outpouring of mutual help in Miami's Cuban community. Despite advanced warnings of the Central Intelligence Agency and others, including the writer, government agencies were totally unprepared for the crisis. Local government was the first to respond with a reception center in Tamiami Park. Within hours, the Cuban community responded with food, medical services, and hundreds of volunteers, who worked around the clock to assist the authorities in processing the new arrivals.

Regrettably, within a few weeks, this positive action was lost in the generally negative reaction to the influx, and ended in the creation of a new polarization, namely within the Cuban community, between the older established elements and the new arrivals, generally referred to as "marielitos" (those coming from Mariel--the Cuban port of exodus). What began as a term of affection had quickly become a term of rejection.

What caused this change, this rejection of one of the strongest values, solidarity, in Cuban exile society? A number of factors can be identified, as follows:

1) There was the Anglo's reaction to the influx, and, to some extent, the Black's. Their negative reaction was quickly extended to all Cubans, including those who were well established, and who thought themselves well accepted in American society. One Cuban social work professional expressed her resentment this way: "After 20 years, suddenly I am again a refugee." The result was the classic reaction of the person who has made it, but who is understandably embarrassed by having his poor relations show up. However, despite this polarization, the subsequent successful integration of the vast majority of the new arrivals into the existing exile community was due to relatives taking care of the newcomers by providing them with shelter and work opportunities. One year later, less than 20% of the new arrivals were on public assistance--an extraordinary achievement which has not been generally recognized--compared with 65% of the Indo-Chinese refugees in southern California, 3 years after their resettlement.

2) Another factor in the polarization with the Cuban community is the fact that Cubans in Cuba, and Cubans in Miami have changed more in the past 20 years than either group have realized. Both have undergone a profound cultural change, one under the influence of a Marxist-Leninist regime, and the other under the influence of the North America's cultural environment. These cultural developments in rather opposite directions mean changes in the meanings and values which inform a common way of life. The dominant mentality in both groups have undergone profound change. Nowhere is this change more evident

than in attitudes toward work and the role of Government in peoples' lives. It will be of interest to the structuralist linguist that these cultural changes are reflected in the way each group now talks Spanish. The very pattern of daily speech reflects the cultural orientation of the speaker. The result is that, as soon as the marielito opens his/her mouth, he/she identifies him/herself.

3) A third factor is the disappointment of the new arrival, not unknown among previous generations of European immigrants. Life in America was not the El Dorado projected by the 100,000 emigres, who had returned to Cuba to visit relatives during 1979.

Leaving the Cuban exile colony and looking at the greater community, we come, perhaps, to the most serious ethical issue raised by the Miami experience, the value of equality. The community was confronted with how the newcomer was to be treated in terms of equal access to social services and given equal protection.

Certainly, equality is for Americans one of our most cherished values. Even if our history has been rather a painful and slow implementation of this value in daily life, today there is little argument about the value or ideal itself. Several issues came up in this context. Among them, I will discuss: 1) equality in treatment of Haitians and Cubans; 2) Reallocation of scarce resources to take care of the newcomers; and 3) equal protection under the law for newcomers.

For 8 years, small groups of Haitians had been arriving in small boats with tree trunk masts. Systematically, the United States (US) Government had rejected their claims for political asylum made under the United Nations (UN) Convention and Protocol on the treatment of refugees. At the same time, it had granted, without question, political asylum to all comers from Cuba. Coincidentally, 2 events occurred about this time:

1) The first event was that the new 1980 Refugee Act became law on May 15, 1980. It removed the legal process for easy granting of political asylum for refugees from communist countries, a relic of the cold war era. However, it failed to provide an adequate legal process for determining the validity of a claim for asylum by an undocumented alien. Thus, it legally put the Cuban in the same legal danger as the Haitian. The difference lays in that Cuba refused to accept repatriation while Haiti welcomed it. The bottom line then was that the Cubans were here to stay, even if the Government rejected their claims for political asylum, and the Haitians were deported--an example of where law can be a somewhat inadequate expression of a value, namely equal treatment in our society.

2) The second event was that a major class action by social advocacy groups on behalf of Haitians was adjudicated in Miami District Federal Court. Judge King was openly critical of the manner in which the US Department of Justice processed Haitian applications for political asylum. Informed by social advocacy groups, public opinion forced the Carter Administration to make a pragmatic decision. By executive orders,

both Cubans and Haitians were given the temporary status of entrant--pending action by Congress. The creation of this status, however, led to a new problem in equality: access to social services. Under the 1980 Refugee Act, social services funded by the Federal Government were limited to those granted refugee status. The Cuban-Haitian entrant status did not carry its eligibility for these services such as resettlement. This situation led to a 7-month impasse in which the Mariel Cubans became the first Cubans admitted to the country in 20 years, these migrants being not eligible for refugee assistance monies. the impasse was resolved by the action of Congress, the Stone-Fascell Act of January, 1981. Meanwhile, in the practical order, this action created all sorts of problems for the social service delivery system, both public and voluntary at the local level and, in fact, threw the whole burden on the local community. It was also a major factor in the failure of the resettlement program efforts to distribute the newcomers around the country. The Miami community was placed on the horns of a dilemma.

The control of immigration is clearly a federal responsibility, and when a group of people claiming to be refugees are admitted or allowed to stay by action of the Federal Government, clearly the latter has the responsibility of relieving the impact on the host community. In the Miami experience, when the Federal Government failed in its responsibility, the local community was faced with either standing by and witnessing the suffering of people, or of reallocating scarce resources to the detriment of its own indigent.

What is the ethical answer? This situation was the dilemma faced by the Miami community as the 1980 exodus waned during August, and the hopes of resettling thousands of refugees in other areas of the US faded.

Surfacing at his time was also another ethical issue related to the value of justice and equal protection under the law. This issue was the case of Mariel refugees suspected of having a criminal record in Cuba. Since 1982, known criminals have been excludable from the US by law. This exclusion is a reasonable and proper exercise of national sovereignity. However, in a panic reaction, the Government used very inadequate means of identifying these individuals. About 2000 were detained, largely on the basis of self-incrimination. They were placed in maximum security prisons such as Atlanta, where some remain to this day. Many had been imprisoned in Cuba for reasons not considered criminal in the US law. Federal judges responding to the pleas of social advocacy groups have ordered the release of more than 50% of those detained. Yet these men spent 18 months or more behind bars on very questionable legal grounds, something that would not be tolerated in American society under normal conditions.

Related to this situation is the fact that many of the homeless Cubans in Miami were routinely picked up by police and held in jail simply because they were homeless. Police and other authorities argued that since they were neither recognized as refugees or permanent residents, they were not entitled to the full protection of the law. This was in response to a rather hysterical reaction in the local community which attributed an increase in crime to the new refugees. Such scapegoating helped to strengthen appeals to the Federal Government for help in solving what was largely a local problem, and not simply the result of the refugee influx.

With regard to the Haitian boat people, there was a number of ethical issues which are still a matter of concern. As far as the Federal Government is concerned, during 4 administrations the Haitian boat people have not been bona fide refugees eligible for asylum in the US. They have been simply undocumented aliens seeking work, and are not different from the 1 million Mexicans, who attempt to enter the US each year. According to the US State Department, the Haitians do not have a well founded fear of persecution. Yet Haiti is admittedly governed by a repressive regime, and the US has granted asylum to over 100 Haitians during the past 10 years, including some boat people. The Reagan Administration has reinforced this position by ordering the interdiction and return to Haiti by the US Coast Guard of all boats carrying undocumented Haitians, as well as the detention of all arrivals after June, 1981, pending adjudication of asylum claims.

The 2 big questions here have to do with international law, which is an expression of social ethics based on certain values being accepted by the international community, including the United States. These questions are to be found in the universal Declaration of Human Rights, and in the UN Protocol and Convention on the Treatment of Refugees.

It is my opinion that the US Government's Haitian Refugee Policy, including interdiction and detention, is in violation of these declarations in spirit if not in the letter. When challenged, some US officials and senators have suggested that the US should abrogate these treaties if they are inconvenient in solving the Haitian crisis. Yet the Haitian boat people constituted only 0.4% of undocumented migration in 1981, and 0.4% of total migration--hardly a crisis. Perhaps the real crisis we face is one of ethics.

Leaving aside the question of refugees, let me alude briefly to the question of undocumented aliens. Two serious ethical questions surface here: One has to do with the methods allegedly used by the inadequately funded US Border Patrol. Methods which in certain jurisdictions have been forbidden by the US courts are said to be in common vogue in Florida. These methods have to do with immigration sweeps, invasion of work places, violations of human and constitutional rights of individuals, including US citizens. The law understands the frustrations provoking these violations, but, Can we condone them?

The second ethical question has to do with proposals in Congress to solve the problem of undocumented migration. It is reliably reported that the price of legalizing the undocumented aliens is the admission of half-million H2 or guest workers. It seems that there are forces in this country, who wish to continue the economic advantage of having the sweat and labor of a permanent underclass of people. Presumably, some of the half-million H2 workers would replace the estimated 100,000 undocumented individuals, now working in Florida's agriculture, once the latter are legalized.

This action may be legal, but, Is it ethical? Is it in accord with the values and ideals of US society? A permanent underclass of people, who would never acquire the right of permanent residence.

These ethical considerations are serious. What is on trial is not just the issue of whether or not a few thousands Haitian boat people should be granted political asylum, but also what harm is being done to the value system of our society when we, as people, are willing to violate international treaties, and our own cherished guarantees of freedom such as due process, imprisonment without trial, self-incrimination just because they have become inconvenient.

What can we conclude from these reflections? Nothing perhaps very new, but they, at least, remind us that our society is still vulnerable. When faced with what is perceived as a threat or a crisis, there is a temptation to abandon some or our most cherished values such as freedom, equality, respect for persons. It happened in 1942 with the Japanese-Americans; it happened in Miami in 1980; it is happening in Florida today.

INTERNATIONAL MIGRATIONS AND INTERSTATE RELATIONSHIPS

Alejandro Portes
The Johns Hopkins University

The relationship between the movement of people across national borders and the interactions between the governments of those nations can be summarized under 4 subheadings. Although I will make exclusive reference to the process of migration into the United States (US), these 4 aspects are more general and seem to apply as well to other contemporary movements such as those between Mediterranean and north African countries, and the industrialized nations of western Europe.

1) Cross-national migrations reflect the increasing interpenetration of countries into the same global economic system. The current magnitude and characteristics of international flows do not simply happen. Instead, they are consequences of preexisting structural processes linking countries of origin and destination. Consequences of these processes can be summarized in 2 words:

a) A growing knowledge of conditions elsewhere in the world by people whose perceptual scope would not have extended in earlier times beyond the local or, at most, the national context.

b) A growing need to use that knowledge by actors located in both sending and receiving areas.

The Caribbean Basin, including Mexico and Colombia, is the most important source area of migrants to the US at present. The economic and cultural penetration of the US in this region has been such as to alter the life styles and cultural expectations of the mass of the population. In this peripheral region,the Caribbean, this process has reproduced consumption styles, or, at least, aspirations similar to those in the advanced center, the US.

However, the pace and the style of development of countries in the region lag far behind those required to meet the modernized consumption expectations of the majority. Industrialization, generally based on imported labor-saving technologies, only absorbs a small fraction of the available labor force. Due to the abundant redundant labor and other forces, wages are a fraction of those paid in the US, thus pricing both the unemployed and the majority of the employed out of the market for desired consumer goods. Hence, increasing knowledge of what "modern" life styles are like in peripheral societies is coupled with increasing need to find alternatives to the local labor market in order to meet the new consumption requirements.

But, what happens in the other side, the receiving country? With the arrival of the first waves of immigrants, many employers come to discover the these immigrants possess desirable characteristics as employees; immigrants are often hard-working, docile, and willing to work for very low wages. Knowledge of the availability of this new labor force turns, in time, into a need for it as small and medium-sized employers not only come to rely on immigrants as a preferred labor force, but are forced to do so by their competition which is already using them. It is at that point when employers' associations generally start to argue that foreign workers are a necessity since no Americans can be found to perform that kind of labor.

Increasing knowledge of life styles and wage-levels in the US by the population of sending nations, as well as the awareness of the favorable characteristics and availability of a labor supply in these countries by US employers are complementary processes, of course. The needs are thus satisfied by migration for Caribbean workers and US employers, who, separated by national borders, are increasingly bound by the dynamics of the same economic system. This growing complementarity is what underlies the smoothness of contemporary labor migrations (most of them surreptitious) to the United States, despite the vocal opposition of some people in government, of the liberal press, and of highly visible lobby groups.

2) International migrations both reflect and contribute to the imbalance of nations inserted in unequal positions in the contemporary world economy.

Several years ago I proposed that international migrations should not be studied as processes taking place between 2 separate political units: the country that exports migrants, and the country that receives them. Instead, international migrations should be understood as a process internal to the same overarching unit--the world economy--of which both migrants, and the countries of origin and destination are part. This approach has the advantage of helping us understand certain important features of the process. For example, why do the "lines of battle" concerning immigration policy not coincide with national boundaries? In other words, not all proponents of immigration are in the sending countries, and not all opponents are in the receiving ones. In this case, the political confrontation is not defined by nationality but by economic and social interests that transcend national boundaries. Thus, it happens that American ranchers, mexican migrant workers and the Mexican government are de facto allies on the issue of labor immigration while American workers, Mexican intellectuals, and some Mexican ranchers and industrialists find themselves together in the opposite side.

The fact that immigration is a process internal to the same global system also helps explain why US policy-makers must weigh heavily the political repercussions on Mexico of "closing the border" to immigration, and why the Mexican government comes to act as a veritable lobby group on pending American legislation on this issue.

The important point, however, is that migration not only occurs within the same system, but also reflects the unequal insertion of countries within it. Sending nations are unable to cope with the contradictions between imported consumption expectations and technological dependency, and therefore, must suffer the humiliation of seeing their people leave for lack of a better alternative at home. The existing empirical evidence suggests that it is not the poorest, the least skilled, or the least educated ones who leave but, on the contrary, those who have some education and have acquired some skills and some resources to pay the cost of the journey. The loss for sending countries is, therefore, not one of redundant populations but often of relatively educated and ambitious young people.

On the receiving end, the character of migration has changed during this century. It used to be that, in order to meet labor demand in the industries of the Northeast (railroad building in the West, and California agriculture), employers had to send recruiters to labor-surplus areas to inform potential migrants of the economic benefits of the journey. Much turn-of-the-century Southeast European migration and much early Mexican migration were induced in this manner. At present, however, the gap in wages, and the penetration of developed country life standards and expectations in the underdeveloped regions have reached a point in which it is unnecessary to recruit migrant workers. Employers in the US find themselves in the rather comfortable position of receiving a migrant labor stream which finances its own travel and assumes all the risks of the journey. There is not even a legal threat for those enterprises that have come to rely on undocumented workers, since existing immigration laws continue to say that it is a crime to be an illegal alien, but it is perfectly fine to hire one.

While accepting the above points, several authors continue to assert that international migration helps reduce economic inequalities between sending and receiving regions through such mechanisms as hard currency remittances, and the occupational skills presumably learned by migrants in their tours abroad. Let me simply state that the available hard evidence on the impact of migration on localities of origin points to a rather different and much less favorable outcome.

3) Not all the significant features of international migrations are economic, however. The interstate system, which is an integral part of the world economy, plays an important role in defining the character of migrant flows and can itself be affected by those movements. Let us consider each aspect in turn. Relationships between national states help determine the label assigned to different migrations and hence the politico-legal standing of migrants in the receiving country. In the present situation of the US, interstate relations affect decisively whether a particular inflow is designated "political" or "economic," and legal or illegal.

Naive interpretations tend to impute the character of "political refugee," "legal immigrant," or "illegal alien" to the intrinsic motivations, or even the moral standing of the individuals involved. In fact, however, the desires and self-definitions of individual migrants play, at best, a limited role in the process by which they are categorized and labelled. Depending on the existing relation between sending and receiving country, individuals with the same motives and qualifications may be labelled political exiles or economic sojourners and may be defined as standing within the law or outside of it. For example, a long-standing "open" labor flow from Mexico was redefined and criminalized in the US after 1954. Similarly, some recent arrivals from Caribbean nations are labelled as political refugees, while others with very similar orientations are denied this status and relegated to the category of economic immigrants.

4) Immigrations not only reflect but, in turn, may help modify the characteristics of the interstate system. Historically, large immigrant communities in the US have had an important role in shaping the history of their countries of origin. In a classic article, Nathan Glazer reminded us that the first paper in the Lithuanian was published in the US and that the nation of Czechoslovakia was launched in a meeting in Pittsburgh. Similarly, southern Italian peasants, for whom the Ethiopian War would have been just another calamity bestowed on them by the government in the north, became ardent patriots in the US and contributed significant resources to the fascist dream of empire. Similarly, Finn immigrants, who kept a wary eye on anything Russian back home, became militant Bolsheviks in the US after the Russian Revolution; some reemigrated to the Russian region adjacent to Finland and discovered, to their chagrin, what the proletarian paradise was really like.

The sizable Mexican, Dominican, Colombian, Haitian, Cuban, West Indian, and other communities that emerged in the US as a result of various large-scale migrant flows, are likely to have sooner or later a significant impact on processes of change in their countries of origin. The direction of this influence is difficult to anticipate, for it depends on particular historical conjunctures. It is likely, however, that the interaction between immigrant communities and their respective countries will eventually affect the relationships of the latter with the US in significant ways. Flows of labor, like flows of commodities, capital, and technology, always bind senders and receivers closer together.

Unlike inanimate exchanges, however, human populations on the move have a way of reacting to the very conditions that determined their decision to migrate and their subsequent fate. The interstate system is by no means immune to such influences. The strong demonstration effect created in Cuba by returning exiles (which formed one of the major determinants of the Mariel exodus), and the impact of labor out-migration and returning immigrants on many Mexican localities offer some glimpses of what these effects might look like in the future.

IMMIGRATION AS AN ECONOMIC ISSUE

Raul Moncarz
Florida International University

We are, in the words of John F. Kennedy, "a nation of immigrants." With one exception, all Americans are descended from foreigners, who arrived on these shores within the past 4 centuries. The exception is the full-blooded American Indian. His forebearers also immigrated from Asia, but thousands of years earlier.

Mass movements of people--refugees or other immigrants--across national borders have increased significantly in recent years. The impact of these movements, worldwide in scope, are of special concern to the United States (US), with its history as a haven and land of promise. The worldwide nature of the current migration is better understood by the flow of over a million refugees from Haiti, Central America, Indo-China, Afghanistan, Poland, and other countries and regions in a very short period of time. The issues raised are not new, but recent attention has been focused on the latest arrivals at the federal and state levels, specifically the States of California and Florida.

Between 1975 and 1980, Florida has also been the State that has gained most of the migrating residents from within the US than any other state in the nation. According to American Demographic magazine, the population mix was 1.8 million people, who moved to Florida during the 5-year period: 20% migrated from New York, and overall 42% were from the northeast; 26% came from the north-central region, 7% moved from the west, and 25% came from the south. The Census Bureau predicts that Florida will move from seventh to third in the nation in population behind California and Texas by the year 2000, when it will have a population of 17.4 million compared with today's 10 million.

The reason for migrating can be taught to be a function of accident, choice, local conditions or the environment, contacts with others specially in trade, things and ideas, specifically psychic intercourse and cultural borrowing.

As an economic issue and as a source of population and economic growth, immigration has its strengths and weaknesses. Among the latter must be counted the prolongued period of adjustment to the new world, a period in which the differences between newcomers and old settlers are often disturbingly noticeable. Specifically, immigration, as measured in economic terms, may be a function of the "time interval spent in the new country," and the US in this case.

Effects of International Migration into South Florida

Looking at Miami's recent economic, political, and social history is to see Cuban, Haitian, Caribbean, and Central American immigrants as the event around which all others turn.

In any case, it would seem that the economy and society of the local area in the last 2 decades have developed more along the path of a so-called land of new settlement than in agreement with the familiar exemplar of slow secular growth of the old European countries, or the classical patterns to be observed in less developed lands. The population influx, the free-flow of readily available technology and capital, and the exploitation of virgin resources closely resemble the opening of a new frontiers model in a mature nation-state. Clearly, changes--best explained by location theory--which have increasingly altered the geographical distribution pattern of certain industries since the end of World War II, have been a contributing factor in producing this outcome. In addition, autonomous population movements not directly attributable to economic causes but to socio-psychological origins rather, could also be counted among the basic explanatory elements for the initiation of growth in the area.

These immigrants also increased the population of South Florida in a significant manner.

Interrelation between the Demographic Composition of the Area and Its Economic Growth.[1]

It seems fairly obvious from the preceding that the influx of refugees and immigrants into South Florida over approximately the last 2 decades has substantially altered the contexture of the local society, as well as its immediate and long-term prospects. Although the developments that brought about a large population inflow from outside the US were certainly unpredictable, they did not impact upon an established community with an identity and ways of its own. The Miami area is, in the classical sense, an area of recent settlement.

It is quite probable that the demographic growth of the area, fueled by a host of endogenous and exogenous factors, would have maintained its pace even in the absence of the external migratory movements. In fact, the population of the Standard Metropolitan

Statistical area of Miami increased by 87% between 1930 and 1940; another 85% during the interval of the next decade; 89% from 1950 to 1960, and only about 36% in the following decennium. The average annual growth for the 1970s was in the vicinity of a modest 2%.

The decade of the 1970s was characterized by the massive arrival of Cuban refugees. These ones accounted for 70% of total population growth during the period in question. As for the future, it should be noted that for the second half of the last decade, the Hispanic population of Dade County has been advancing at an annual pace in excess of 4%, double the rate for the entire population.

The Cuban population in the US has been calculated at about 794,000 by the 1980 Census. The addition to this figure of the 125,000 Mariel entrants, and a low estimate of 10% to account for the Census undercount would yield a total of approximately 1 million. Taking into consideration that Florida and New Jersey along claimed upward of 75% of the Cubans in the country, and more than 85% of Cubans arriving by Mariel, it can be prudently calculated that the total number of Cubans holding residence in this area surpasses the 600,000 figure. Conservative estimates for Puerto Ricans and other Latin nationalities would set the corresponding figures at about 70,000 and 50,000, respectively. Altogether, this would make for a Hispanic participation ratio in the total population of approximately 41% or 42%. The addition of, perhaps, 25,000 or 40,000 Haitians, as well as of less numerous exiles and immigrants from a large variety of other nationalities would marginally hike said ratio.

These additional people led to faster economic growth, given that additional numbers increase aggregate demand, and thereby increase income, consumption, and investments.

Another very specific aspect of migration into South Florida has been the human resources brought to this area by the different groups such as Cubans, and peoples from the Caribbean, Central and South America. In other words, the education, training, ingenuity, and perseverance that new entrants have can make an economy wealthier, because these people will adapt, innovate and sacrifice in ways that nonimmigrants are too comfortable to try.

One unique and necessary condition for the equilibrated expansion pattern of the Latin market to have taken place was the nature of the occupational structure of the Cuban labor force. The skills and training of Cubans and Hispanics as a group occupy, on the whole, an intermediate position between that one of the black, and white native populations. Although the prevalence of professionals, managers, technicians and businessmen was quite noticeable during the first phase of the exile, a more balanced and representative pattern emerged over time. By the middle of the 1970s a vertical cross-section of the Cuban labor force in Miami was similar to its counterpart in Cuba in many ways.

These human resources have proven to be greatly valuable in promoting the economic progress in the area. The Hispanic manpower is well suited in its composition and distribution to the needs of the labor market. Cubans have filled in the middle ranges of the work structure, effectively manning the infrastructural and productive matrices of the economy.

In an economy distinguished by the second highest average annual pay in the State of Florida, but where average hourly earnings in manufacturing are below the corresponding figure for the State, one should strongly suspect widespread disparities distribution function which is caused by the fast growth of high-paid service occupations that coexist with traditional sectors of the old economy. Consequently, as the upward mobility of a select segment of the population increases relative to the semistagnant bulk of semiskilled or unskilled occupations, the end result is a widening income gap. Cubans, as already pointed out, are inserting themselves in ever larger number in the middle layers of the occupational and income pyramid.

It should not go unnoticed in this particular context that the enormous population influx of the last few decades and the concurrent low unemployment rate of the area have been accompanied by a fast expansion of output and income. This situation helps account for the economy's absorptive capacity for new labor without the need for a substantial lowering in wage rates. Simultaneously, the growth of the labor force has contributed to the maintenance of competitive wage and production cost structures in the area. These are important elements to take into consideration in an economy which makes abundant use of unskilled and semiskilled labor in its light manufacturing, construction and service sectors.

Factor Complementarity between the Native Society and Economy and that of New Immigrants

Their blending constitutes the gist of the hightened pace of growth in the area during the past decade, and offers firm ground as well for the optimistic projections being made on the future of Miami's economy.

The essence of the factor complementarity phenomenon between the host and immigrant societies reside in the new production function that arises from the blend. This innovation brings about a far reaching transformation of the local society and economy. It entails cultural change as well as a progressive modification of social structures and functions, accompanied by deep structural alterations in the fabric of the economy.

Without the socio-cultural and economic innovation wrought out by the interaction of local resources and the immigrant's traits, Miami would not have been in a position to develop the comparative and even absolute advantage that it now enjoys in the international economic field. The meeting of the 2 cultures proved to be a very fecund mix in terms of its attractiveness to Latin Americans first, and to Western Europeans at a larger stage.

The cross-cultural product that has emerged from the cosmopolitan milieu and which now characterizes Miami, has been highly instrumental in facilitating a classical growth pattern through the opening of new markets, especially those to the south.

The Cuban influx--now reinforced by the arrival of other Latin nationalities--was, at the very least, a necessary condition for the transformation into an effective demand of Latin America's potential need for the products and services of this area. This process has been associated with the familiar trade creation effect whose greatest relevance precisely lies in the field of economic integration.

It should come as no surprise to us that, to a large extent, Miami's favored position derives from its geopolitical advantages vis-a-vis the Caribbean and Latin America. Miami and the region to the south constitute a natural trade area.

Reiterating our main proposition, the symbiotic relationship of the Hispanic factor endowment on the one hand, and native factor proportions on the other, have created indeed a new production function by innovating both in the restricted cultural change. The synergetic effect of the union accomplished what neither component could have attained by itself. The evidence patently indicates what could be best described as the appearance of historical increasing returns to all factors (seriatism) in the economy. The following economic developments have established a strong presumption in favor of our contention: a) the high and sustained growth rates of the area for the 1960s and up to the 1974-75 recession (far above the corresponding percentages for the national economy), in association with b) a process of structural economic change which has been accomplished by large population growth and work force expansion (with unemployment rates below the natural level most of the time), and which has also been marked by large upward jumps in domestic and foreign capital investment with undiminished factor return.

These discontinuities in the growth process have brought about, in turn, dynamic changes in the comparative advantage scale of the area. Consequently, the comparative cost situation has improved relative to foreign and, particularly Latin countries. This development has made possible the explosive market expansion in international activities which, at present, is playing the role of a key, strategic or dynamic sector in the economy.

It is interesting to observe that neither pre-Castro Cuba or Miami could have succeeded in creating then what Miami and the exiles have done together afterwards. Certainly, neither one nor the other had at the time the capacity to orchestrate a new social production function so well attuned to the potential of this area. This singular interesting instance of factor complementarity which gives rise to a dynamic comparative advantage situation is reminiscent of the type of gains analyzed in the theory of economic integration models, or of the long growth and developmental effects accruing to advanced and "backward" countries respectively, in late classical and neoclassical trade theory. In effect, the kinds of structural changes which take place in resource allocation patterns, and which, in turn, reflect on the output matrix of the economy, respond to basic alternations in factor return rates. The latter are themselves induced by deep shifts in market demand patterns which are a direct consequence of the opening of trade.

Special Issues

As the refugees began to arrive, they found employment in the only economy then in existence. As the Latin business sector gradually gained in strength, it never came to absorb a majority, or even a sizable minority for that matter, of the refugees.

However, it can be shown that the Latin business sector has grown (for the time intervals for which data is available), at a faster pace than the non-Latin business sector. This statement needs to be immediately conditioned. The faster growth refers to the number of first involved, but not to their weight as measured by gross volume of sales and/or number of employees. That is, the Hispanic business sector is mainly composed of small and relatively non-sophisticated enterprises. Its capacity to serve the total market has not developed pari passu with the expansion of the economy or with the extension of the labor force. On the contrary, on the basis of available data, it seems to have decreased relative to the total market.

In other words, with the passage of time, not only a larger absolute number of refugees but also a higher percentage of the Hispanic labor force found employment in the non-Latin business sector. This was increasingly the case for the more formally educated, better skilled and, in general, more highly remunerated members of the Cuban labor force. Nonetheless, by the very nature of the limited magnitude of the Hispanic market, this also applied to the rest of the labor force with little less force.

In addition, as discussed before, those in the lower echelons of the income pyramid have tended to spend a larger portion of their income on the Latin business sector than it is the case for the more affluent Hispanics. A fortiori, it goes without saying that the non-Hispanics, irrespective of their income level, are only very marginally employed in the Hispanic sector, and only slightly less marginally do they spend their earnings in that sector.

In any case, the Cuban or Hispanic market was the net receiver of funds from the non-Hispanic sector. As a general proposition, it can be stated that the lower the level of income of people employed in the Cuban sector, the greater the probability that they would spend more of their earnings in it. Likewise, the lower the level of income of Cubans employed in the non-Hispanic market, the greater the probability that they would spend their funds in the Hispanic sector. _Mutatis mutandis_, the opposite is true for those earning higher incomes both in the Hispanic and non-Hispanic markets.

All of these unambiguously indicate that the Latin business market could not sustain a stationary equilibrium by itself at a relatively high level of activity and, _a fortiori_, could not generate its own self-sustained growth. The simplest proof for this assertion resides in the following truism: the money volume of final sales by Latin businesses (total added by Latin and also non-Latin firms with linkages to the former) must exceed, by definition, the gross sum of payments to their employed factors which, as noticed previously, are overwhelmingly Latin. Equivalently, this means, of course, that the total factor income earned in the Latin market must be insufficient to absorb the total value of the output generated by Latin firms at established price level. An alternate manner of stating this would be to say that even prescinding from the tautology $Y \equiv 0$ (income $\equiv$ output) for individual firms at a macro level of analysis, and making the necessary assumptions regarding the shape of the consumption function and income distribution patterns such that net savings from disposable income equals zero, still total income accruing to Latin factors would be insufficient to remove all of the output from the market at a given constant price level.

The Cuban or Hispanic market is simply not balanced (extensive and diversified) enough to establish its own self-contained circular flow. Furthermore, the market's openness or lack of closure has definitely worked to its advantage. The growth process of the Hispanic market from zero upwards would have been infinitely slower, and more laborious were it not for the income inflow generated by Latins outside its boundaries. Even abstracting from factors such as the very significant productivity of American society, relative to most others in general, and the advantage represented by the availability of investment capital to newcomers, Latin income would have grown at a glacial pace if the Latin market and labor force would have been forced into a self-enclosed mold, restricted in their expansion possibilities to their internally generated economic capabilities.

Given the difficulties involved in negotiating the initial ascending convolutions of a growth process, the Latin market and labor force were the net gainers in their exchanges with the outside world. Any other mildly realistic alternative one could think of would have yielded much lower levels of market expansion and of economic welfare for the Latin population.

In closing, let us add some brief comments which will serve to indicate the present relative position of the Hispanic market, and the nature of prospective developments which should be the object of our observation and future investigation.

It seems to us that the preceding information and reasoning have served to confirm a conclusion of the author already stated in a recent publication:

> Although available data for certain years show that the number of Hispanic-owned firms in the Miami S.M.S.A. has increased faster than the number of non-Hispanic firms, the participation of Latin enterprises in the market, measured as a percentage of the value of total output (or value of final sales) and employment, is certainly not proportional to the percentage participation of Hispanics in the total population, labor force or personal income of residents. It can also be said that the percentage of gross receipts of sales generated by these firms out of the total for the area is below the percentage of Hispanic firms as a fraction of the total.

In fact, even the most generous calculations would confirm that the value of the gross volume of final sales or total output contributed by Hispanic firms in 1977 would not represent 10% of the total for these concepts participation rates measured on a market wide basis. Hispanic producers markets could be gathered from a perusal of the Statistical Summary of Minority-Owned Business Characteristics. Again, with the exception of construction and manufacturing--which accounted in 1977 for 5.08% and 5.48% respectively of the total of firms in their sectors--all others were below a 5% participation figure. In some sectors, ownership of total firms by Hispanics ranged as low as 1.14% and 1.82%. In regards to the share of Hispanic-owned firms of the total payroll in the various sectors, manufacturing registered the highest value, with a 4.74% in 1977. Six sectors were under 2%, and 2 below 1%.

As long as the Hispanic market produces and sells differentiated products for which there is not a perfect elasticity of substitution in the general market, it is going to enjoy, without a doubt, a degree of autonomy of power best defined by the characteristics of the market structure known as monopolistic or imperfect competition.

However, this kind of advantage tends to decrease over time. Partial acculturation and economic integration very strongly work towards the unification of the market, particularly as regards consumers goods, in general. In the case of the Cuban population in particular, and the Hispanic in general, the marked influence of American patterns of consumption preceded their immigration into the United States.

It should be emphasized anew that Cubans and other Hispanics, although greatly contributing to the creation of the new socio-economic production function, which increasingly characterizes South Florida, must continuously endeavor to promote their participation in the socio-economic system in accordance with society's established and sanctioned norms, and its accepted success criteria. Were they not to do it, their indirect contribution to the welfare of the society would go largely unrewarded. The real external economies generated by their presence, somewhat in the nature of a social producers surplus, are, of course, allocated according to the existing patterns of stratification. To the extend that Cubans and other Hispanics do not succeed in accelerating their upward mobility in society, they will share into the increased welfare at a rate inferior to the average for white natives. In other words, rewards for direct participation (through functional distribution) and indirect contributions go hand in had. They are linked into the same productivity function for each factor.

Closely linked to the above, and also fundamental in its own right, is the question of human capital development. Given the downward occupational mobility of a large sector of Cuban exiles and its overall implications for the potential of the group as well as for the area as a whole, this matter has become of paramount importance to the future welfare of Cubans and non-Cubans alike in Miami.

Entrepreneurial and managerial abilities and skills constitute an important subcategory within the wider classification of human capital. No doubt, more than audacity and aggressiveness will be needed to be successful in the long pull. Education and training will be decisive factors in facilitating the entry and retention of Cubans in the middle and upper managerial and entrepreneurial ranks. As Cubans seek to compete in an increasingly sophisticated environment, they will need all of the technical expertise they can acquire.

Studies have shown that the Cubans in Dade County make an exceptional group in many respects. There are both strengths and weaknesses in the picture. We have seen how Cuban income and formal education levels are well above the average for Hispanic groups and Blacks. On the other hand, an age level considerably above the median for those other ethnic groups represents a serious handicap in the long run.

We can speak of opportunities and dangers, of unexploited frontiers, and of latest disadvantages. Unless Cubans come to firmly realize and vigorously grasp the truth that formal educational attainments and vocational training are highly correlated to income levels, they will gradually slip in relative terms from their present position. Likewise, unless Cubans succeed in gaining access to capital financing on a scale and terms competitive with the white native population, their hold on productive wealth will weaken rather than become more solid.

Note

[1] This material appeared in Antonio Jorge's paper, "Perspectives on Recent Refugees and Immigrant Waves into South Florida."

LABOR ISSUES IN IMMIGRATION: INTRODUCTORY REMARKS

Aurora Camacho de Schmit
Mexico-United States Border Program of the AFSC

The legislative process that eventually produced the Simpson-Mazzoli bill early recognized the labor dimensions of immigration policy. Organized labor and employer associations emerged as 2 of the most important constituencies to be affected by proposed changes. Inasmuch as every young immigrant is a potential worker, any major attempt to reform immigration law would have to take into account the labor needs of the United States (US). Furthermore, the widespread assumption that the US had "lost control of its borders" made immigration reform necessary. A precious commodity comes through those borders in an "uncontrolled" way: workers.

Thus, the debates that characterized the move towards immigration reform 5 years ago centered around the impact of immigrants on the US labor market. The fact that the country experienced new rates of inflation and unemployment put high emotional stakes in the issue. Some hard-to-prove assumptions raised and shaped public opinion. One example is Secretary Ray Marshall's contention (registered in a 1979 interview with the Los Angeles Times), that if all undocumented workers left, unemployment in the country could be reduced to 4%.

Unfortunately, assumptions like the Marshall's lead to policy and policy leads to practice. To illustrate, in April of 1982 the immigration and Naturalization Service (INS) conducted a series of sweeping raids in several major cities and deported thousands of undocumented workers. "Operation Jobs" was the result of a simplistic belief in the theory of one-to-one displacement: for every job held by an immigrant worker, there is an unemployed domestic worker.

Most recent research by Piore, Portes, Wachter, Sassen-Koob, Cardenas, and Simon on the economic impact of immigrant labor discredits the theory of direct displacement, and shows a far more complex reality that has either negative or positive impact depending on sector, season, and geographical location among the variables. Besides, this complex reality is, to a global picture, articulated to the transnationalization of both capital and labor. In other words, large scale labor migration such as Mexican migration to the US is an answer to the impossibility or undesirability of exporting certain jobs. It is a counterpart to the phenomenon known as the Global Assembly Plant.

Our economic system structurally feeds on large labor pools: the larger the labor pool, the better for the fast reproduction of capital, and the greater the competition for jobs, thus turning a job into a coveted prize. This is a privilege rather than the basis for a transaction among equals. In the context of a global labor pool, the workers no longer have bargaining power. Just as the Global Assembly Line, large scale international labor migration constitutes a very unequal exchange between the developed and the underdeveloped worlds. It is an example of how rich nations get richer and poor nations stay poor in the international community.

However, unlike the worker in the Global Assembly Line, the undocumented immigrant worker is a person residing in the US and, as such, is an agent interacting with US society, protected by and subject to the laws of the land.

Jorge Bustamante, the Mexican researcher on immigration, has pointed out that the most important characteristics of Mexican workers in the United States--and by extension, of all undocumented workers--are that 1) they create wealth, and 2) they have rights.

From these 2 fundamental characteristics we can derive the most important labor issues on immigration:

As producers of wealth, undocumented workers challenge the economic system to make up its mind. An economic sector that depends on foreign workers can do 1 of 2 things: 1) adjust in order to attract domestic workers, or 2) purchase foreign labor. An economic sector may adjust in various ways: through mechanization, through the improvement of wages and working conditions, or by declaring itself obsolete. (There are those who believe that the US literally has no business sewing garments, building automobiles or growing its own expensive sugar.) However, a given sector of the economy may need to resort to immigrant labor. In this case, there should be some rules in the transaction in order to equalize the power between worker and employer, a ratio that, under present conditions, should be deemed intollerable in its extreme injustice. It is, besides, a question of justice because of the second characteristic of undocumented workers that Bustamante underscores: they have rights.

As persons with rights, undocumented workers challenge US society to protect those rights by:

1. undoing their illegality. This can be done by legalizing the community, since workers' illegal status is the basis for their vulnerability and unfair competion with domestic workers;
2. allowing legal representation to reach all immigrant workers. The Legal Services Corporation has curtailed this right to free legal representation;
3. enforcing all labor laws. This law reinforcement would erase the advantage of the undocumented worker because of his/her exploitability over the domestic worker;
4. fostering the unionization of all workers (including undocumented people). This would enhance a true equalization of power;
5. supporting the adoption of an international protocol of the rights of migrant workers. The US has consistently opposed the development of this protocol in the United Nations.

These ones could hardly be called radical ideas. They are the very American values, whose integrity Senator Simpson claims to be protecting through stricter immigration laws.

Finally, the presence of large numbers of undocumented workers in the US challenges this society to understand itself in a new way. Stemming from labor migration, this fact goes beyond labor considerations in the State of La Florida, where the first European settlers spoke the Spanish language. The majority of all immigrant workers in the US speak Spanish.

The Ford Foundation's recent paper on immigration and refugee matters identifies a new social phenomenon that the Foundation calls "Hispanization of the US." This country is already the fifth largest Hispanic country in the world. This seems to be a problem for some people. I am personally delighted with this process which could lead to a very much needed continental understanding. We are here challenged to look at the ethnic plurality, bilingualism, and biculturalism in new terms. In many ways, we are challenged to be trusting, to know that we are not in control, that we bear witness to historical processes bigger than our understanding, and our ability to suppress them or shape them in the name of a shortsighted vision of what the US should look like a few decades from now.

In conclusion, labor issues are not only relevant but central to immigration policy. They are deeply intertwined with economic, juridical and ethical considerations. In broad geographical and historical contexts, the analysis of the labor dimensions of immigration policy leads us to fundamental questions of global justice and the future of US society.

THE SMALL PRINT ON THE STATUE OF LIBERTY
(Socio-cultural factors in the adaptation of immigrants to the United States.)

Fernando Gonzalez-Reigosa
Florida International University

A large number of scholars have attempted to study the adaptation of immigrants to their host cultures. These studies have only infrequently considered the host cultures' reactions to immigrants as a factor in the adaptation process. One extraordinary paradox that confronts those considering the issues of immigration in the United States (US) is the fact that while this country is ethnically a heterogeneous society, every new wave of immigrants is received with reactions that range from mistrust to repulsion. The intensity of these reactions in the case of the current wave of immigrants only serves to accentuate the paradox.

In the brief exposition that follows, I will attempt to consider some of the factors involved in it.

Sources of Immigration

The US differs significantly from other countries that currently receive immigrants. The United Kingdom and France have developed immigration patterns which involve colonial or former subjects from their overseas empires. In contrast, the US never had a classical empire, therefore, its immigration policies have not been shaped along the lines of France and Great Britain, which resorted to the recruitment of labor from their colonies and ex-colonies during their expansive economic postwar period.

The US has so far considered immigration in terms of permanent settlement, and has rejected the guest worker approach of temporary labor immigration followed by other European nations, notably the Federal Republic of Germany and Switzerland. Still, one characteristic that the US shares with all of these countries is the minority condition of its immigrants and the impact of this condition on the majority.

In reference to the US, the terms majority and minority assume a very idiosincratic meaning. The US has been a heterogeneous society from its very beginnings. Its aboriginal population was pushed aside, making room for European colonization which penetrated deeper into its territory, thus creating the groundwork for the new nation to come. Although European immigration to the 13 colonies was predominantly from the British Isles, many continental Europeans made their way to them, and languages other than English were heard in many areas. The early presence of African slaves in colonial North America added to the ethnic and racial diversity of the future country. After its independence the US welcomed and encouraged large scale immigration from Europe, for its empty hinterlands awaited colonization and productive exploitation. To this date, immigration has been a regular feature of this country: from the time just before the turn of the century, when most immigrants were of "old stock" (northwestern European), to the "new" immigrants from eastern Europe, Mediterranean and the ghettos, and to the post--war immigrants of predominantly Caribbean, Latin American and Asian origins.

Yet, in spite of this heterogeneity, a majority population has arisen in the US. Ethnically, it is not a homogeneous majority but, historically, a developed majority created by the amalgam of several European groups, who have successfully forged an American identity and an economic basis that supports it; a majority, who adheres to typical American values, and whose mother tongue has been English for at least 2 generations. The core of this majority is formed by the descendants of the "old stock" immigrants. Their protestant values, and linguistic and racial similarities facilitated the coalescence of the American ethnic identity whereby modified Anglo-Saxon norms and the English language predominated. At the periphery of this majority lie those Americans of "new" immigrant stock, or as they have been vernacularly denominated by the media, the "white ethnics." For the most part, this group has adopted English as its language as well as North American cultural norms without altogether giving up certain ethnic customs and habits, many of which stem from their non-Protestant religious faith. The degree of success that members of these peripheral groups achieve in becoming part of the majority core relates to their willingness to embrace the economic values of the latter, and their skills in doing so.

In summary, those groups sharing a common language, adhering to fairly similar cultural norms, and devoted to the same economic value system make up a majority population in the US on the basis of their European origins or, more concretely, of their "whiteness." It is interesting to notice that even at the height of the "melting pot" era, when the national motto "E Pluribus

Unum" meant a public commitment to the fussion of nationalities into one homogeneous American identity, neither American Indians nor Americans of Black African extraction were expected or encouraged to "melt."

The Concept of Minority

In the US minorities are comprised by groups whose racial and non-European backgrounds have marked them as different. The current immigration to the US is mainly composed of these minorities. They are mostly of Third World origin, ethnically black or "brown." Even though the initial propeller of the migration may be political in many cases such as Cubans, Haitians, and some Central Americans, the economic element is likewise a significant factor in the decision to emigrate.

The current migratory force to the US is made up of people who are significantly "more different" to the American majority than any other previous group of immigrants to this country. The tensions resulting from massive immigration, the strains experienced by the host culture in reaction to these immigrants and by the immigrants themselves multiply as a function of these differences. Furthermore, the current immigration to the US is part of the general wave of movement of people from the Third World to developed, industrialized nations. They are despossessed of the world, they are increasingly coming to demand their share of the wealth of the planet where the wealth of the planet is.

In the Miami area experience, it is significant that the 2 most recent groups of immigrants, the Mariel refugees and the

Haitians, are much more representative of Third World populations than the previous immigrants and exiles from Cuba and the rest of Latin America, who shared to a great extent the economic and social characteristics of the developed nations' elites. It is interesting that many Mariel refugees report to have experienced greater rejection from their own compatriots, who came to exile before them, than from members of the host culture.

In summary, whereas social rejection has historically been the lot of immigrants to the US (and probably to any other country), a commonality of social and ethnic characteristics, mores, and economic values has facilitated the absorption of previous immigrant groups. The new immigrants, whose ethnicity, economic habits and inclinations, and general outlook on life signal them as different even within the heterogeneity of American society, are experiencing the role of psychological outsiders to a degree that not other immigrant group before them has.

III. Workshop Reports.

IMMIGRANTS AND THE JUDICIAL SYSTEM

Alex Stepick
Florida International University

The workshop began by noting positive trends within the Immigration and Naturalization Service (INS). Recently, there has been an apparent increasing independence of immigration court judges from the INS district directors. Though this is just a trend and has not been institutionalized, it is encouraging and has already led to some favorable benefits. To illustrate, after virtually no Haitians had been granted political asylum in Florida, 3 individuals were recently successful in their asylum claims.

Some versions of the immigration reform legislation before Congress would completely remove immigration courts from the Department of Justice. This would truly assure the immigration court's independence.

INS's Craig Raynsford also indicated that his Institution is currently developing standard rules of procedure for the immigration courts. At present, there is little consistency on what immigration judges will permit on a number of issues including admission of evidence, cross-examination, and so forth. Standard rules of procedure, if consistent with notions of due process and equal protection, would be a significant step forward for immigration courts. If these changes are forthcoming and institutionalized, INS can still stand further improvements.

The workshop focused on the impediments and frustration of procedural issues which have the effect of frequently denying substantive rights, particularly those of legally justifiable claims to enter and remain in the United States (US). It felt that INS enforcement functions and goals as gatekeepers too frequently tread on principles of due process and equal protection, principles which are fundamental to the politics and culture of the US.

These frustrations and impediments can occur at any point in an alien's journey from his application for a visa in his home country to his arrival at a port of entry. Interactions with the INS whether at service centers or detention facilities, plus involvement with the criminal justice system, and return visits to one's homeland are just some of the areas in which problems can occur.

Sam Bersen referred to the "consular absolutism" which rules an alien's application for a visa at a US Embassy abroad. The US consular official is invested with tremendous discretionary authority which is not subject to independent review. He does not even need to provide access to the records of his decisions. If an abuse is committed for whatever reason, the alien applying for a visa has no recourse for an independent review. The workshop was extremely critical on this excessive delegation of power and authority which easily leads to arbitrary and capricious decisions. The opinion was expressed that some sort of independent review and access to records of consular decisions should be established.

At the port of entry there exists a well noted distinction and legal struggles surrounding differential procedural rights for those in exclusion versus deportation proceedings. Dale Schwartz, an immigration attorney from Atlanta, noted that there are nearly

1 million turnarounds at the borders yearly. Many cases involve de facto summary exclusion proceedings with the alien being offered the alternative of the next plane home or indefinite detention at an INS facility in Krome, among others. Interrogation, more often than not, proceeds without the alien being notified of his right to counsel. While right to counsel is not absolutely denied aliens at ports of entry, it is certainly not encouraged. The workshop recommended that all aliens whose right to enter is in question, should be notified of their right to counsel during interrogation.

In general, INS' power and authority are decentralized and diffused, thus leading to inconsistent and arbitrary decisions at all levels. Impartial review of decisions in such a system is essential in a nation which prides itself on equal justice. Recently, many, including the Attorney General, have claimed that unscrupulous lawyers flood the federal courts with frivolous petitions to review. Dale Schwarts noted that in 1981 (the last year for which statistics are available), there were only 4 class-action suits, and less than 200 total suits involving immigration in the federal courts. The claim that lawyers are flooding the system is irresponsible and unfounded. The federal court system has remedies for freedom claims. Those who file cases for patently dilatory reasons can be disciplined and fined. Strong objections were expressed to any efforts such as those contained in some versions of the Simpson-Mazolli legislation to remove immigration matters from review by the federal courts.

Objections were made more specifically to efforts to deny federal courts the right to review motions to reopen immigration proceedings. Federal court review is frequently limited to reviewing material that is in the record. The latter is often established solely by the immigration officer, a frequently biased source. Eliminating the federal court's ability to review motions to reopen could eliminate an alien's opportunity to present his side of the case.

The establishment, maintenance, and use of alien detention center have become a highly emotional issue in the Southeastern US. The removal and incarceration of Cubans during the Mariel boatlift greatly disrupted the resettlement process. The incarceration of Haitians in Krome has generated tremendous outrage and compassion among many, and the continued imprisonment of Cubans in Atlanta is a constant concern to the local community.

The workshop expressed chagrin and deep concern over the Reagan Administration's recent reversal of the longstanding policy of detention as an exception to detention as a rule for aliens, who arrive with questionable documentation.

Whether or not the INS and Attorney General have the power to detain arriving aliens is not the issue. Detention assuredly disrupts and frustrates the fulfillment of individual rights to counsel which, in turn, frequently denies individual's substantive rights.

The workshop resolved that if detention does continue, it should be with the least restrictions possible, and pervasive arbitrariness should be eliminated.

The workshop also discussed the plans for new, permanent detention centers in Louisiana and, apparently, in Florence, Arizona. Both sites are far removed from urban centers, which could provide basic services to aliens and INS alike. There has been already much difficulty in obtaining lawyers, translators, and other professionals to provide services, whether pro bono or paid, in Krome and in the other detention center outside of urban areas. These new centers would only exacerbate these difficulties. Moreover, the plans for the Louisiana center, which have been reviewed by the Workshop's cochair, Robert Juceum, contain absolutely no space for consultation between an alien and counsel.

In addition, the workshop resolved that interested agencies and parties providing services to aliens must be involved in the design and allocation of detention facilities. The Government must provide adequate facilities for consultation with aliens equal to that available within the criminal justice system.

The workshop ended the discussion of detention facilities by noting that detention was born of a crisis now past. The whole policy should be reconsidered. Its implementation has trampled severely upon the principles of due process and equal protection.

Legally admitted aliens are also not without problems. The understaffing of the service functions of the INS has produced inexcusable delays in the processing of claims. If aliens without permanent status want to leave the US to return home for pending legal issues, their applications to leave and return are frequently denied. Therefore, the workshop resolved that aliens should be allowed to leave and return without jeopardizing their immigration status.

Any interaction with the criminal justice system can also unfairly jeopardize an alien's status. Aliens convicted of certain criminal offenses are subject to deportation. INS, however, tends to treat any interaction with the law as defiling of the alien. When an alien is arrested by civil authorities, INS places a hold on the alien's release for him to remain incarcerated, notwithstanding his posting bond. Frequently, the alien is transported to a detention center such as Krome from where it becomes exceedingly difficult to prepare one's defense. Even if the charges are dropped or the alien is proven innocent, INS may start deportation proceedings against the alien.

While the workshop had no quarrel with the provisions that aliens convicted of certain criminal offenses should be subject to deportation, we do not believe that any interaction with the criminal justice system should make an alien subject to deportation. Moreover, criminal courts and lawyers should be made aware that the INS frequently considers a judge's opinion on whether or not an alien should be deported. A judge's silence on this issue has often led INS to presume that the criminal or civil court endorses a deportation of the alien.

The workshop also resolved that Legal Services Corporation attorneys should be barred from representing aliens. Many aliens are in need of legal services for nonimmigration matters such as housing. Recent restrictions on whom the Legal Services

Corporation may represent have unfairly denied many aliens equal protection.

The criminal justice system has no adequate identification system to determine if an alien is a repeat offender. This has been particularly a vexing and pressing issue for those few marielitos, who are caught and convicted, then serve sentences, and are released only to reenter the criminal justice system briefly thereafter under a different name. Given the above, the workshop recognized the need for a positive identification system, provided that it does not infringe upon civil rights, and is applied only to those aliens processed through the criminal justice system.

The workshop concluded with a call for permanent legal status for both Haitians and Cubans. The defeat of the Simpson-Mazzoli/ legislation, despite all its shortcomings as a bill, deterred the legalization of the over 100,000 Cubans and Haitians in the State of Florida. A permanent, legal status should be provided as fast as possible to both Haitians and Cubans.

Finally, the workshop recognized the need for compiling available legal resources for various agencies servicing aliens, in particular, Legal Services of Miami, the Public Interest Law Bank, and the Haitian Refugee Center. All of these agencies, however, are severely understaffed and overextended. Supplementing these efforts are published materials such as ACLU book and Juceum's book.

IMMIGRANTS AND COMMUNITY RELATIONS

Rapporteur: Luis Salas
Florida International University

Preface

This workshop dealt with specific questions on some of the major immigration issues facing South Florida. There is a general perception among the local population that Mariel refugees are responsible for a substantial increase in the local crime rate. This perception has led many to conclude that all Mariel refugees are criminals and deviants and thus a danger to the community. This generalization is probably the predominant characteristic being attributed to this group, and is, therefore, central to any discussion of immigration in the local area.

Question

To what extent did the Mariel boatlift contribute to the rising crime rate in the Dade County area?

Facts

To begin with, crime rates in Dade County showed a steady increase, and the crime curve even reached its peak immediately prior to the arrival of Mariel refugees. Total crime rates, however, have little significance in measuring societal impact unless specific crime categories are used to generate true evaluations.

While crime among recent arrivals is a major issue in this area, no scientific studies have been conducted about this problem to date; most conclusions are based on perceptions and generalizations. It is a fact, for example, that Mariel refugees constituted a substantial part of the local jail population shortly after their arrival. This situation, however, may be due to stricter enforcement of factors others than crime activity. To illustrate, in the area of homicides, serious studies clearly concluded that these immigrants had a substantial impact on violent crime in Dade County. However, this conclusion is subject to question when one takes into account the immigrants demographic characteristics: unemployed, unaccompanied males in the 17 to 25 years old category. If one were to apply existing United States (US) crime rates for these population category, one would realize that the Marielitos' crime figures are not as high as they seem to be.

The workshop could not reach any conclusion as to the issue of the impact of Mariel entrants on crime, but did conclude that:

1) there is a general perception among the local population that Mariel refugees are responsible for substantial increases in crime rates, and that these generalizations are applied to individual immigrants;

2) this fear of crime has resulted in new barriers for the individual entrant and has curtailed institutional resettlement efforts. The allegation by the press that many of these refugees, for example, were homosexuals set back possible resettlement for many months. The negative impact of these labels has not been restricted to this specific population of immigrants. They have contributed to local racial and ethnic conflict, and to a national

reputation for South Florida as a crime ridden area. This situation, in turn, has decreased tourism, thus leading to severe economic problems for the community;

3) given the lack of scientific studies to gauge the true impact of crime, one has to question the source of these perceptions. Responsibility appears to rest primarily with public officials and the media. Some public officials exploited the fears of the general population and turned the refugees into political issues. The Mayor of Miami Beach, for example, called a press conference to announce the massive release of Mariel refugees being held in the Atlanta Federal penitentiary and their eventual resettlement in Miami Beach. He proposed that the bridges between Miami and Miami Beach be closed, and all persons who appeared to be refugees, stopped and refused entry. The Federal Judge, ruling on their release, denied the statements by complaining that he had informed the Mayor of the falsity of the rumors, and assured him of gradual release and resettlement outside the Miami area. Representatives of community groups severely criticized the Mayor's statements, which were eventually ignored.

The media have also been responsible for many of the rumors about Mariel refugees. National and local media, for example, published front page headlines announcing the presence of 20,000 homosexuals among the boatlift entrants. This announcement was clearly false and resulted in lasting labels placed on the refugees.

Attribution of deviant labels on immigrant populations is not a recent development; it appears to be a pattern common to most newcomers. In our area, Mariel immigrants have been labelled as criminals, while Haitians have been labelled as public health hazards, with the Acquired Immune Deficiency Syndrome (AIDS) being the most recent disease attributed to them. These labels are based on exaggeration and rumor, often encouraged by irresponsible public officials and the media, and have led to negative consequences for the immigrants and the community.

Other Issues

The workshop also considered the effect which the Mariel boatlift had on the 1980 civil disturbances in the Miami area. The general consensus was that there is no evidence of any causal relationship between the 2 events.

Representatives of local and federal agencies discussed their roles in dealing with immigration. The bulk of the discussion focused on the financing of services provided to entrants. Dade County officials expressed their displeasure over the handling of the Mariel boatlift and stated that should another similar event take place, they would not lift a finger to help, and would lay total responsibility at the door of federal authorities. Federal officials, on the other hand, complained of poor reporting and false claims by local entities and defended their past performance. While both sides may have had valid points, the discussion pointed out the misunderstanding and distrust between the 2 largest entities charged with immigrant settlement.

The workshop also focused on local experiences which have proven to be positive in dealing with recent entrants. It considered local citizen education and involvement of community leaders as critical to solving immigration issues. It also cited the experiences of a local group (formed to deal with the issues raised by the Krome detention facility), as exemplary in improving the conditions at the facility and improving community reaction to the entrants. In addition, the workshop talked about future plans to incorporate a committee to oversee and report on abuses by immigration officials to area residents. The general feeling was that citizen participation in immigration issues is critical in dealing with these problems of community relations.

The workshop mentioned the experiences of Haitian immigrants as positive examples of the role of adult education in dealing with immigrant issues. Haitian immigrants, for example, attend adult education classes in very large numbers, and in future years--it is predicted--they may surpass the economic position of some native groups.

While most federal agencies were subject to severe criticism, the Community Relations Service of the Justice Department was praised for their role in alleviating community tensions.

Recommendations

On the basis of the preceding discussions, the workshop made several recommendations which addressed either institutional or entrant problems.

1) Local planners should be provided with more information as to existing immigrant populations in their area and future projections. Responsibility for these efforts should be coordinated between federal, state and local officials.

2) Minimum guidelines should be developed for cities and towns in dealing with community relations problems raised by immigration. Assistance should be provided by state and federal officials to assure local capacity to meet these expectations.

3) Clarification most be provided on the role of the federal government in giving assistance and relief to communities impacted by immigration. Federal and local officials too often act in disparate and opposing paths. Coordination between these 2 institutional actors is critical to the incorporation of these new entrants.

Entrants

1) Involvement of local residents into immigration issues is essential in overcoming community relations problems. Examples of previous experiences should be explored to meet these goals.

2) Expenditure of public funds to improve the quality of life of entrants should be viewed as investments in their eventual incorporation. Those programs which have worked (i.e. adult education programs) should be supported and encouraged.

3) The primary barrier resolution of many community relations issues is the assignation of blame between ethnic and racial groups, and institutional actors. As long as particular interests dominate discussions, long term solutions may not be found.

ECONOMIC AND LABOR ASPECTS OF IMMIGRATION

Rapporteur: Hugo M. Hervitz, Ph.D
Barry University

The purpose of this workshop report is to highlight the major economic and labor issues related to immigration. Special emphasis was given to the South Florida area.

The first part of the discussion consisted of an assessment of the historical record with respect to the ability of the local economy to productively absorb immigration flows in the past. In this respect, the overall picture that emerged was fairly positive. The South Florida area has experienced very high rates of economic growth over the last 2 decades. The importance of this situation lies not just in the fact that a growing economy is much more able to absorb large numbers of newcomers, but also in the more fundamental fact that rapid economic growth itself may be attributed, to a large extent, to the inflow of immigrants, many of whom brought with them a rich human capital in the form of skills, experience, and initiative.

In other words, the historical record seems to suggest that immigration in South Florida has not been a "zero-sum game" in which the gains of the newcomers came at the expense of the local population, but rather a "positive-sum game" in which the newcomers helped bring about an increase in the size of the "economic pie," thus leaving everybody with a larger slice.

Even though the historical record on the overall success in the absorption of immigrants was deemed quite satisfactory by the workshop participants, a number of specific problems were identified, particularly with respect to the 1980 Mariel boatlift. The short-run ability of the local economy to absorb the Mariel immigrants was hampered by 3 main factors:

1) the extremely short period of time over which large-scale immigration took place;

2) the insufficient aid forthcoming from the Federal Government to alleviate bottlenecks; and

3) the human capital composition of the new immigrants, which reflected lower levels of skills than previous immigrants.

Some recent studies reported in the workshop still show that after an initial transition period immediately following the arrival of the new immigrants, local unemployment rates went back to the typical pattern for the area--i.e. well below national averages either for the labor force as a whole, or for ethnic-group-specific rates.

A number of policy prescriptions were suggested in order to better cope with the reoccurrence of a Mariel-like situation:

1) If a policy decision to accept a large number of immigrants is made at the federal level, all efforts should be made to ensure that they be directed gradually to any one particular area in order to prevent abrupt short-run dislocations.

2) The Federal Government should work in close cooperation with local governments in order to prepare carefully thought-out emergency relief programs to alleviate the severity of the dislocations whenever they occur. Such plans should be supported with significant federal assistance in terms of funds and personnel.

3) In order to facilitate the medium-run integration of immigrants into the local society in general, and the local economy in particular, the Federal Government should support large-scale education and training programs aimed at imparting the most important skills for successful integration.

The workshop also discussed the issue of H-2 migrant workers, and the extent to which expansion of the H-2 program could constitute a viable alternative for channelling illegal migration into a legal and controlled framework. A large majority of the workshop participants expressed their concern about any such expansion in light of the fairly negative feelings about the functioning of the H-2 program in the sugar-cane industry in Central Florida.

The H-2 program is thought to have caused the de-facto segmentation of the agricultural labor market into 2 groups:

1) the "non-deportable" labor force, made up of natives and legal immigrants, which is shunned by employers with the subsequent experience of very high rates of unemployment; and

2) the "deportable" labor force made up of H-2 workers from the Caribbean, who, as reported by a United States (US) Congress investigate commission, "can be summarily dismissed and sent home, never to return to the US for the slightest infraction or sign of organized protest over wages and working conditions."[1]

Many participants in the workshop felt that existing H-2 programs are in need of serious reassessment in order to determine to what extent they are responsible for high unemployment rates in some sectors of the US labor force, as well as to what extent the relationship between employers and migrant workers is one of blatant exploitation.

Finally, the workshop touched upon the question of the most desirable US policies aimed at reducing the severity of the "push" factors in the countries from which migrants originate. The point was made that in addition to policies for bringing about a reduction of political repression, and the promotion of economic development, there is room for policies that explicitly encourage measures designed to reduce the rate of population growth.

The overall spirit of the workshop reflected the feeling that the US should not adopt an isolationist policy of closing its doors to foreign nationals, but it should rather fulfill its human, moral, and political obligations. If this is to be done, however, an effort should be made to minimize the economic costs imposed on the receiving areas, while also be realized the significant potential contribution of immigration to US economic growth.

Note

[1] United States House of Representatives, Committee on Education and Labor, Subcommittee on Labor Standards,"Job Rights of Domestic Workers: The Florida Sugar Cane Industry" (Washington, D.C.: US Government Printing Office, July 1983).

IMMIGRATION AND FOREIGN POLICY

Rapporteur: John F. Stack, Jr.
Florida International University

This workshop illustrated the complexity of contemporary American foreign policy at the level of clashing ideological and pragmatic assumptions. The workshop spent more time discussing appropriate values and ideas than making specific policy recommendations. This focus is consistent with the difficulty of formulating American foreign policy in the 1980s, particularly when issues relating to ethnicity, refugees, and immigrants are addressed in the context of the foreign policy-making process.

In the domestic political context, opinions were as follows:

1) Several participants in the workshop noted throughout the session that the involvement of ethnic groups in the foreign policy-making process is not new in view of the historic activism of Irish, Greeks, and other American ethnic groups. Moreover, they also noted that ethnic concerns do not disturb or threaten the political process of northern cities such as New York. Some panelists felt that the awareness of Hispanics and Blacks (especially the Congressional Black Caucus), challenges prevailing assumptions of American foreign policy concerning South Africa and the Caribbean.

2) It was argued that the existence of sizeable exile communities may be inconsistent with American national interests, and, in fact, may threaten the existence of the American political process if terrorist activities were launched on an intense scale. James B. Motley's monograph, "U.S. Strategy to Counter Domestic Political Terrorism," (1983) was cited to

support this point of view. No specific references were made to exile communities in Miami.

3) A constant observation was the American public's widespread lack of interest and apathy in foreign policy. A recent national survey, as noted, showed that over 60% of Americans polled have no idea what sides the United States (US) supports in Central American countries.

4) The workshop reflected overall agreement in that there is an absence of consensus in the US concerning contemporary American foreign policy. Moreover, several members of the audience argued that prevailing assumptions of US foreign policy are unfocused. Under these conditions, a consistent American approach to refugee and immigration concerns appears to be unlikely.

From an international perspective, opinions presented were diverse and wide-ranging, as follows:

1) As a first perspective, US foreign policy should encourage comprehensive family planning efforts in developing countries in order to limit over population, and thus reduce migration to the United States. However, as pointed out, implementing this policy would be problematic, because previous American sponsored attempts at family planning in the developing world were seen often, at best, as a form of socio-imperialism, and in the extreme, as a subtle form of genocide.

2) As a second perspective, US immigration policy has to be viewed as the hostage of US foreign policy. (The differential treatment of Cuban refugees versus Haitian refugees was used to illustrate this point of view.)

3) As a third perspective, the economic interest of American backed multinational corporations is a primary vehicle supporting repressive right wing dictatorships, especially in Haiti, thus causing Haitian immigration to the US. A contrary perspective raised was the world-wide plight of refugees, who escape communist totalitarian regimes in Afghanistan, Asia, and Africa.

4) As the most concrete proposal, the US was called to stabilize economic conditions in sending countries, specifically Mexico, the Dominican Republic, and Colombia, through direct economic subsidies to encourage rural and urban development similar to the objectives of the US Small Business Administration. Such a program is based on 3 assumptions: a) there is general consensus among policy-makers that immigration to the US must be placed in an orderly context; b) the US needs to assist the underclass of workers currently without right, who are presently subject to exploitation in said country; c) the attempt to stabilize conditions in the sending country is only possible when workers desire to return to their homeland. Moreover, the sending and receiving countries must actively work toward common ends. A criticism of this approach was that the US could not establish a global affirmative action program to limit international migration.

5) As a second concrete proposal, the possibility of conducting immigration impact studies was called for in order to understand the effects of immigration in the US. Such a proposal was compared to the current practices of conducting environmental impact studies.

6) As a final result from the discussion, a substantial degree of consensus emerged on the need to manage international migration within the context of a humane, vital, and idealist American foreign policy. Several members of the audience pointed to American history, seeing in it the workings of a responsible and pragmatic political system.

Reference

Motley, James B. "U.S. Strategy to Counter Domestic Political
1983 Terrorism." Washington, D.C.: The National Defense University.

HUMAN RESOURCES AND THE ADAPTATION OF IMMIGRANTS

Rapporteur: Christopher Warren
Florida International University

Fact and Policy Objectives

The discussion began with, probably, the only point raised during the workshop, on which there was virtually unanimous agreement. It was suggested that problems of immigrant adaptation have their roots primarily in the absence of more coherent and better coordinated federal, state, and local policies. 'It was felt that with all of the attention given to issues related to immigrant and refugee entry policy, clearly there has not been enough attention given by policy-makers to the question of what happens once immigrants and refugees have arriced in the United States (US).

The discussion of facts and policy objectives yielded many observations primarily related to the "shape" of the South Florida immigrant community and its interaction with the host society. As a case in point, an overview of the South Florida Haitian community was offered. This overview focused particular attention on 1) the preponderance of misconceptions and stereotypes about Haitians--a situation seeming to be pervasive in the broader society--and on 2) the problems associated with the uncertain legal status of recent groups of refugees. Similar insights were also offered concerning the experiences of the Mariel refugees, who came from Cuba in 1980.

Subsequent discussion centered on the similarities and differences of the Haitian and Mariel refugee experiences, especially in regard to adaptation, and on how misconceptions and stereotypes, in general, have contributed to the adaptation problems of both groups. One point on which there was some consensus was that there may be little that policy-makers can do in the interest of combating such stereotypes. The group was thus left with the question of how the immigrant community itself can combat best or overcome problems caused by said misconceptions and stereotypes.

Many participants expressed the sentiment that the only realistic approach open to most newly arrived refugees, immigrants, and their advocates lies in pushing for the enactment of policies which can be expected to strengthen informal 'communal structures" (especially the extended family and the building of a stable neighborhood). Many in the group felt that such structures are of primary importance in easing immigrant adaptation problems. This general sentiment was described as "the promotion of 'community' as public policy."

The group recognized that such policy objectives almost inevitably would carry with them several identifiable dysfunctions. First, immigrant community building might perpetuate the "ghettoization" of some local communities. Second, such policies could be expected to further promote stereotypes and misconceptions held by members of the host society toward members of the immigrant communities.

Nevertheless, many in the group felt that, in regard to the general issues of immigrant adaptation, the advantages of a cohesive immigrant community would outweigh those dysfunctions insofar as such a community provides a secure and familiar haven for recent arrivals. It was pointed out that such policy objectives have far reaching implications for federal placement policie,s which have emphasized at times the broad geographic dispersal of recent groups of entrants.

Concurrent with the discussion of the importance of more "informal" community structures and the role they play in issues of immigrant adaptation, the group also focused on immigrant interaction with the more formal political, economic, and social institutions in American society. It was noted that one dilemma faced by newly arrived immigrants and refugees is the fact that they are at once dependent on the services provided by these formal structures, while, at the same time, they lack the political influence or "clout" required in shaping the responses of those same institutions. It was expressed that, at best, the adaptation of newly arrived groups and the articulation of their needs to formal federal, state, and local institutions may be eased through the assistance and support of a more established immigrant community (i.e. the Mariel refugees and the more established elements of the Cuban community). Thus, the desirability of stable immigrant communities was emphasized again,not only in regard to easing the social adaptation of immigrants, but also in regard to the articulation of needs to the formal political and economic institutions.

Having focused primarily on local and regional perspectives, the thrust of the group's discussion expanded in order to encompass the adaptation problems of immigrants, in general. This shift in focus coincided with growing differences of opinion among members of the group regarding the appropriate roles of federal, state, and local government in addressing problems of immigrant adaptation.

In particular, federal placement policies were criticized on 4 counts:

1) Often, US placement policy has been geared to discouraging immigrant community building through dispersal of the immigrant populations:

2) Such policies, as it was asserted, "do not work" insofar as it is highly debatable that dispersal is in the best interests of the immigrant community. Furthermore, such policies do not usually take into account what the immigrants themselves want.

3) Such policies are "un-American," especially to the extent that they inhibit freedom of movement.

4) Efforts to disperse the immigrant population are likely to be undone as a result of immigrants relocating where they want to, almost regardless of the consequences.

A local representative of the Office of Refugee Resettlement (ORR) responded that 1) the primary goal of "the earliest possible self-sufficiency of refugees" has been one of the factors governing the initial placement of refugees, especially free cases; 2) federal policy always has been to effect family reunification in all cases possible; 3) obstacles in placements many times have been created by state or local government objections, and often by communities objecting to refugee placement; 4) in all cases, as they become self-sufficient, refugees are free to move wherever they please.

A great deal of discussion also centered on problems related to immigrant adaptation. These problems are posed by a federal structure of government, especially to the extent that such a structure may result in a lack of consultation and coordination among federal officials, voluntary agencies, and state and local officials. Disagreement centered primarily on whether or not the Federal Government and the voluntary agencies have fulfilled their responsibilities to state and local governments by adequately consulting with them prior to implementing policies, which could have the effect of bringing new immigrant and refugee populations to different locales.

The local ORR representative stated that the national office of the ORR has scheduled regional consultations to include state and local government officials, federal agencies involved in refugee placement, and voluntary agencies, and has authorized the State to use federal program funds to facilitate representation at such meetings of refugees and mutual assistance associations. He added that the Refugee Advisory Council has been identified in Florida's State Plan as the forum for conducting local consultation on placement policy.

Policy Options, Politics, and Implementation

Emerging from the discussion came a series of recommendations and expressions of concern.

1) Placement and consultation issues generated the most controversy. Several members of the group felt that placement and resettlement policies should be focused toward initially building stronger immigrant communities rather than dispersing

people across the country. In turn, such policies should be formulated with better federal consultation with state and local refugee coordinators, and be more informed of what the refugees and immigrants themselves want.

2) The Federal Government should decide finally the legal status of immigrant groups (i.e. many of the Haitians), who remain in a state of legal limbo for months or years, after arriving in the US.

3) Equality of treatment of various immigrant and refugee groups who have already arrived in the US, should be given full priority. Furthermore, the refugee camps such as that one on Krome Avenue, should be closed in favor of temporary residential arrangements in the local communities.

4) In line with questions of equity, there should be a revamping of procedures used in determining a) the granting of visas; b) the establishment of quotas; c) the procedures for changing the legal status of immigrants and refugees.

5) All levels of government, as well as the voluntary agencies, should begin to work toward the shifting of resources from resettlement policies to institution building within immigrant communities. Furthermore, the immigrant communities need to be more directly involved in the distribution of impact funds.

The group was not able to devote much time to a specific discussion of the political and implementation problems faced in the process of acting on the above recommendations. However, throughout the sessions, 2 most elusive and perplexing dilemmas were pointed out repeatedly, as constituting the most difficult obstacles in the accomplishment of reforms. These ones were the reality of the political powerlessness of newly arrived immigrants, and refugees, and the issues of intergovernmental relations and consultation.

The facts and policy options which were identified, the recommendations offered, and the political and implementation problems faced are not particularly new to most people familiar with immigration and refugee issues. However, emerging from the group was, at least, an initial sense of the directions in which we need to move on these questions related to immigrant and refugee adaptation.

IV. Plenary Session 2: DISCUSSION ON ASYLUM.

DISCUSSION ON ASYLUM

(ROUNDTABLES I,II,III)

Participants:

Guarione Diaz, Cuban National Planning Council.

Alan Nelson, Commissioner, U.S. Immigration and Naturalization Service.

Mons. Bryan Walsh, Catholic Community Services.

Jim Giganti, Deputy Director, Office of Refugee Resettlement/HHS.

Cesar Odio, Assistant City Manager, City of Miami.

Linda Berkowitz, Refugee Programs Administrator, State of Florida.

Harvey Ruvin, County Commissioner, Dade County.

Allison French, Florida Farm Bureau.

David Ford, Office of U.S. Coordinator for Refugee Affairs.

Ira Kurzban, Counsel for National Emergency Civil Liberties Commission of Florida.

Rulx Jean Bart, Haitian Refugee Center, Inc.

Brenda Pillors, Legislative Assistant, Cong. Ed Townes.

Leonel Gomez, Former Deputy Director of Agrarian Reform, El Salvador.

Alejandro Portes, Johns Hopkins University.

Joe Trevino, League of United Latin American Citizens.

Michael Myers, Church World Service, National Council of Churches.

Manuel Diaz, Spanish American League Against Discrimination.

Marion Houstoun, Department of Labor.

Rhea Cohen, Zero Population Growth.

Father Frank O'Laughlin, Florida Farm Workers.

MODERATOR: Rick Swartz, National Immigration, Refugee and Citizenship Forum.

ROUND TABLE I

Rick Swartz: Let me begin by explaining how we plan to run this roundtable. The kinds of questions I'm going to ask are designed to start with facts, look at policy objectives, look at policy options, and move in the direction of a discussion of political and implementation concerns. I'm hoping that what will come out of this roundtable will be a variety of perspectives on particular questions, and the beginning of a process for these diverse groups from diverse communities and perspectives to continue to grapple together with these kinds of issues. The issue here is asylum, and certainly here in Florida this issue has engaged the attention of a wide range of actors over the last four or five years. I think the Florida experience is important and instructive with regard to other parts of the country and the decisions that are being examined in Washington.

The first question is, what are the conditions in the hemisphere which appear to give rise to the migration of peoples claiming asylum? What are the root causes? And particularly, looking to the future, what can be anticipated in this region of the country? Where will people be coming from, in what numbers, and for what reasons? What kind of impact or challenge will this likely pose for the community, to the federal government, or to the international community?

Mons. Walsh: The specific condition that seems to be the one condition that overrides all others, that raises the issue of asylum, is the question of authoritarian or dictatorial governments within the hemisphere. As long as we have governments which are oppressive--whether they are authoritarian or worse, whether they are right or left in political orientation--this is the push that gives rise to the asylum issue, and indeed provides the excuse for spurious applications for asylum.

The second thing is accessibility. When the original UN protocol and convention on treatment of refugees was first granted by the U.S. Senate and signed by President Eisenhower, it gave assurance that the issue would not be a serious one for the United States. This was because at that time, the question of asylum was seen as something that occurred not in the Western Hemisphere, but in far away places. These things, obviously, have changed, and part of the problem we are faced with in this regard is that our way of dealing with asylum applications has not changed to keep up with the new reality. The occasional defections of a diplomat or tennis player are far different from what we have had to deal with here in South Florida.

Cesar Odio: I feel that the inability of the government to plan ahead and to start taking measures to prevent another "boat lift" like the Mariel boat lift will hurt us, will hurt this area in the near future. And if we are to prevent another Mariel, the immigration laws of this country have to start addressing the problems that we could face here because of conditions in Cuba.

BEST COPY AVAILABLE

I'm talking about the Mariel boat lift people who came here--125,000 of them--that have relatives in Cuba. Also, there are 200,000 people in Cuba that have applied to leave that country. The possibility that we're talking about is 400,000 people. Nothing has been done to start family reunification in a planned way, and we must address that issue.

Rick Swartz: So the point is, as I understand it, that the inability or failure to have regular family reunification from Cuba is among the most significant factors that has built in the past and continues to build pressure within Cuba, and also within the Cuban-American community.

Cesar Odio: History teaches us things. We had Camarioca in 1964, and we had the Mariel boat lift in 1980, and that tells you something. We must address that problem before we're faced with another 100,000 people coming to our shores. So, the best way to do it is to plan action.

Harvey Ruvin: One thing that has troubled me in the past is that it appears because of the backlash aspects of the mass arrivals and the current influx experienced in 1980 and 81--backlashes related to other types of immigrants and refugees in other parts of the country--that I began to sense this particular administration doing a policy regarding procedural asylum that would be short of a disincentive for arrivals, to make the prospect of getting through more remote. Adding such things as interdiction into the policy as a disincentive to people to leave and try to seek freedom in this country is a very dangerous thing. This must be recognized right from the outset and defeated, because if we allow that to happen, we really remove the meaning of the laws of this country, or the basis of this country, and our society. So, it is very important to streamline these procedures and to make them fair, and to make them other than a disincetive.

Ira Kurzban: I would like to make two short observations. First, I don't think that we in the Western Hemisphere are really suffering any unique conditions that haven't been experienced in other parts of the world. I think that what is unique about it is that, for the first time, there are many, many more people who are likely ,to come into the United States as a result of those conditions. For example, it has been clear for many years that there are far more refugees in Africa than there are in the Western Hemisphere. They come across borders as people came from Mariel to the United States; they are dealt with in countries which are far poorer than the United States. So it's not really a unique situation here, it's just that for the first time we are seeing more and more people. This country has become more and more destabilized in the Western Hemisphere.

Just a short comment with respect to what Harvey said. It is true that the Reagan administration has developed disincentives, there's no question about that. The question is

BEST COPY AVAILABLE

whether or not morally this is a country which should have those kinds of disincentives; whether or not from a standpoint of our foreign policy we should tell Southeast Asian nations that they should accept refugees and not turn boats back, and then, when 2,000 or 3,000 Haitans try to come to the United States, we develop an interdiction policy. And the third thing I think is most important is that we can create even greater disincentives. One of the questions that's always raised legally is, if we can interdict boats, why can't we torture people when they come to the United States? Why can't we just throw them in jail permanently and never let them out? Why can't we shoot people when they come to the United States? Clearly, all these things would be disincetives--there's no question about it. The question is, really, do we as a nation want to have those kinds of disincentives? And what are we saying to the rest of the world when we have an interdiction program in our country, when we put, as we have here in South Florida, eight-year old, twelve-year old children in detention at Krome for five or six months wth a thousand other people. What are we saying as a nation to what we want in this country?

Rulx Jean Bart: As far as the Haitians are concerned, they are going to keep coming here--the question is how long. They will keep coming as long as there is total disregard in Haiti for human life and human dignity. The root cause really is the blatant violation of their rights in their own country, as well as the deteriorating economic situation in Haiti.

What we have in Haiti now is the situation of the Haitian government trying to solve their current economic situation, in connection with other governments. They are trying to provide industry in Haiti, but mainly in the Port-au-Prince area. This is forcing migration of Haitians from the countryside to Port-au-Prince. They're planning to provide electricity--they're going to have to set up some dams for energy power. But these dams are going to inundate some of the best lands in Haiti. Also, we have a situation in Haiti now which they call the "pig situation," whereby the Haitian pigs were destroyed because supposedly they had a certain disease. But the peasants are not getting paid for the pigs that were destroyed; what they get is minimal.

All these things are happening in Haiti. There's a total disregard for the human needs and rights of the Haitian people, which is forcing them to come here. And they will continue to come here as long as we have such a government in Haiti.

Rick Swartz: Mr. Diaz, could you give us a couple of minutes on Cuba?

Guarione Diaz: I certainly think so. I think when we talk about Mariel, generally we forget the Peruvian Embassy in Havana, which is the incident which eventually triggered the Mariel exodus. I suppose the best way that I can describe the

BEST COPY AVAILABLE

internal conditions in Cuba, that make people migrate, or want to migrate to the United States or most of the places in the world, is the fact that in a period of 24 hours, when word went around in Havana that the government was allowing anybody who wanted to leave the country to go into the Peruvian Embassy in Havana, there were 10,000 people who jumped the fence and ended up sitting on the roof and in practically every inch that you could find in that Peruvian Embassy. That happened within 24 hours. And, of course, that represents only those who were able to get in. Because when that massive reaction occurred, the government immediately closed the Embassy again, and any access to it. By then, you had busloads of people coming from other places in the country, moving into Havana and other people also trying to get into the Embassy. When you get 10,000 people into an Embassy in 24 hours, I guess you can have a pretty good idea of how many more could have migrated if the government allowed it.

In Cuba you find multiple reasons for migration. You find a standard of living which, in comparison to the standard of living that existed before for a large part of the population, has deteriorated. But I think that for anybody under any political system in any part of the world, when one talks about Cuba perhaps the point that needs to be stressed above all is the question of freedom. The questions related to the problem of expressing yourself, the problem of being persecuted, the problem of being unable to speak your mind--all those things, which I think are the most oppressive factors for most people who want to migrate from Cuba at the present time. I think that is the main reason for migration: the sheer totalitarian oppression in Cuba. We can expect--and we have some statistical background in this regard--anywhere from 200,000 to one million people would be ready to migrate within a period of one or two years, provided that opportunity was granted to them. I think that has to be kept in mind, and it goes very well with what Cesar just mentioned. Any time that because of political considerations the Cuban government decides to facilitate another Mariel, or another Camarioca, whichever it may be, there's going to be a lot of people who are going to be willing to do it. And that is not considering the fact that already one million Cubans live in the United States and certainly more than half of them have relatives in Cuba. For those who missed that article in the Miami Herald, every day there are 40,000 calls attempted to Cuba--40,000--of which only a few hundred get through because of technical limitations. So you have constant communication, not to mention letters, etc., which again is another factor which causes people to migrate.

In summation, I think that a lot of people want to leave particularly because of the oppressive system under which they live. So I think that we have to be prepared particularly in the face of previous experience in Camarioca and Mariel, because if that happens again we have to be prepared to face it--not just in terms of a specific case, but in terms of a comprehensive asylum policy and refugee policy which we are just beginning to underline at this time.

BEST COPY AVAILABLE

Rick Swartz: I would like for someone to take a few minutes to outline the situation which currently gives rise to asylum seekers from Nicaragua. If none of the panelists feels in a position to do that, perhaps someone from the audience can.

Rene Quinonez (audience): The situation in Nicaragua is a totalitarian, Marxist dictatorship. But what will give rise to more asylum claims at the moment is the recent law they (the Sandinistas) have passed on the compulsory military service. For example, last week I made a trip to McAllen, Texas. They have 180 young people down there in immigration, because what they're doing is fleeing from being sent to the military service. On the other side you have no food, and you need the identification from the Sandinista Defense Committee in order to eat, to get a job, and to find transportation and gasoline. So, it is total oppression in Nicaragua, and people are just trying to get out. The rest of Central America cannot absorb all these people, and they're looking to the United States as the only safe place to live; the only place in which the persecution will not be continued.

Rick Swartz: Looking to the future, over the next year or two years, should the United States expect significant increases in the number of Nicaraguans or other Central Americans coming into the country--whether it's to the Southwest, or into Florida?

(? ? ? ?): My personal opinion is that Central America has to be solved in the next year or so. Otherwise, you're going to have everybody fleeing to the United States. You cannot stop the flow of refugees. As President Reagan said in his speech, this is going to become a country of refugees, this is the only safe place where you can avoid persecution. And as the communist activity continues in Central America, we're going to have them all over.

(? ? ? ?): I think the big difference between Nicaragua and Cuba is that there is an internal war in Nicaragua, fighting to eradicate the communists there. So I hope that what will happen is that the government will change and and we will have that exodus stopped. But it's not the same as with Cuba.

Rick Swartz: So, there are five or six descriptions of conditions--civil war, human rights violations, totalitarian oppression, economic development programs--which can have a ripple effect and create more asylum seekers.

I'd like to go to El Salvador. Our expert on El Salvador is not yet here, so I would like to ask Amit Pandya, in the audience, to outlne the conditions in El Salvador over the last few years and possibly in the future which may give rise to people coming to the U.S. seeking asylum. Amit has just finished a report for the ACLU in Washington on Salvadoran asylum seekers.

Amit Pandya: Well, I want to emphasize that we are not talking about some kind of thing that is likely or possible in the future. We're talking about something that has been going on at a pretty steady rate for three or four years, really beginning with the overthrow of the

BEST COPY AVAILABLE

Romero regime and the coming to power of the military-civilian junta. And perhaps one of the reasons why we've only just become aware of this is because there are all kinds of constraints on information flow. I am sure you're all aware of them. And it also happens to be my personal opinion that the way we have treated or dealt with the flow of migrants has in fact contributed to the embargo on information, as we've discouraged people from coming out into the open by treating it merely as a phase of the illegal immigration problem. Now, whatever the debate may be about whether these people are refugees, according to the narrow definition contained in U.S. law, it's quite clear that they present a compelling humanitarian problem.

They're obviously not just people who come north looking for more money or a slightly better way of life--unless you call the distinction between fear of mutilation and the freedoms that we're accustomed to just a slight increment in the quality of life.

Basically, what's going on in El Salvador, as I understand it, is that there is widespread destruction from the civil war. It's a country, I remind you, that is about the size of the State of Maryland--which, I believe, is smaller than Florida. So, when people talk about a civil war in El Salvador being regionally contained--confined to particular regions of the country--we're making a pretty unrealistic distinction, because all you need is one action and half the country can be literally plunged into darkness. Much of what's going on in El Salvador is generalized violence. And there is a breakdown of basic social and economic structures which has encouraged pathological elements, including criminals, including extremists of the right and of the left to come out and begin to do the dirty work.

There is also a pervasive network of suspicion. Most people who get politically assassinated in El Salvador, don't get killed because they did anything; they get killed because they were acting funny. We have medical workers being assassinated because anyone giving medical assistance is thought to be protecting the subversives. We have refugee protection workers, human rights monitors who are on the danger list.

Rick Swartz: Looking at the four countries we've briefly outlined, I would like to try to summarize or draw some common themes. I am going to ask the panelists to take a few minutes to talk about the other countries within the region which might either today or in the future give rise to similar conditions. Then we'll try to sum up this part of the discussion by seeing if anybody in the audience wants to make a comment and describe conditions different from the summary. Then we'll move on to a discussion of what kind of policies, if any, should we be discussing or debating regarding the sending countries of asylum seekers, in light of these conditions. Then we'll come back to the domestic side.

Alejandro Portes: I think that it is important to study in detail the specific conditions giving rise to population flows out of different countries. But the interesting thing is that, in one form or another, flows are coming from a number of countries in the Caribbean Basin and they are likely to emerge from other countries as well in the future. So, perhaps, it behooves us to examine the general conditions that underlie the present situation and which are manifested, in one way or another, in different countries, as we have seen.

Clearly, underlying many of the specific flows is one general fact which is the contradictions of the process of development as it occurs in these countries--and primarily, the gap that I referred to

BEST COPY AVAILABLE

yesterday between what might be called organization of the level of culture and consumption expectations, and economic stagnation or a style of development that does not satisfy those new expectations. That gap creates, above all, discontent--generalized discontent not only among the very poor, but also among the mass of the population, despite the political system. And that discontent is manifested in a permanent pressure to migrate regardless of political conditions.

We are paying attention today to political refugee flow. The fact of the matter is that political refugees represent only a minority of those coming to the United States at present. For tens of thousands, hundreds of thousands came on a regular basis from Mexico and Central America even before this...surreptitious and undocumented workers. Before Haitian asylees began to show up on the coast of South Florida, there was a large Haitian community made up, to a large extent, of undocumented workers that were reflecting this phenomenon.

Now the problem is, of course, that some regimes in the region attempt to clamp down on that discontent and maintain the privilege of the few, and eventually that thing explodes and then we have a big movement of refugees from those countries. And there are other nations in which a Messianic or charismatic figure comes and offers a solution to these discontents. Then, often, the solution turns out to be worse than the disease and we have another flow from that country. Clearly, to make it short, I think that the issue in the United States is who gets granted political asylum.

In terms of the future of Cuba, I think that the attitude of the Cuban problem must be considered. There is no doubt in my mind that the Cuban exodus, from its beginning, Camarioca, the freedom flights, and now Mariel, functions as a safety valve to the internal conditions, in particular in terms of housing and unemployment. So, we have to look into that in order to be able to predict and do something about the possible renewal of Mariel or similar efforts like it.

(comment from Aurora de Schmidt on militarization of Central America and the Caribbean, but tape ends after one paragraph)

Rick Swartz: I'm going to ask Leonel Gómez to follow up generally on the theme of Central America, and outline the similarities and differences.

Leonel Gómez: First I'd like to comment on the Cuban Government now, and some of the efforts they have made in the past months to try to stabilize the area. One good example of this is Fidel Castro's invitation to Eden Pastora to come to Havana, in order to encourage negotiations between Managua and Eden Pastora. And I think this was very much against the will of Managua. So, the Cuban Government has sent a clear signal to Managua that maybe they should negotiate with Pastora. And this, if it happened (which I doubt very much, given the current position of the Managua Government), could create a breakthrough and maybe make negotiations possible and bring some stability to the area. Not just because of negotiations among Nicaraguans, but also because it might open the door for negotiations in El Salvador, creating a precedent. Whatever the Cuban Government has done in the past or might do in the future, I think this particular point must be taken into consideration.

Rick Swartz: Looking to the future in El Salvador or Central America more generally, what kind of migration or refugee flows do you anticipate?

Leonel Gómez: Somebody told me yesterday: you know, before things get better, they're going to get a lot worse. Let me try to convey to you some of the worries that I heard in Central America when I was there this past summer. I talked to people in Costa Rica, Nicaragua and Honduras, countries which I am still allowed to go in. In El Salvador, I am an official enemy of the State, so that creates some inconvenience for me to travel there. But something I have found in Central America is there is a great fear that people have when the President of the United States announces that they're where they're going to draw the line. I mean that this is the backyard of the United States, and by God, that's where they're going to draw the line. He's practically saying, Central America could very easily become a battlefield. And who wants to live in a battlefield?

So, on the one hand, you have this announcement: if we feel threatened by those Cubans and those Nicaraguans and those trouble makers the Soviet Union keeps on sending...well, we're going to draw the line there; we're going to send in the Marines. Well, I am asking you: would you like to live in a place that is about to become a battlefield? And then, on the other hand, of course, is the left. There's the reality of the left that burn buses and sometimes kill people. There's a civil war going on. But the possibility of having an escalation, a Vietnamization of Central America, if we might call it that, is a very scary thing. The other thing that scares governments, and it filters down to the population, is the way U.S. foreign policy is run here--what's been described as the short institutional memory of U.S. institutions. Like the State Department. I mean, you have one president; he runs the show one way, and then you get another, and he runs the show differently. And then, because the priorities have suddenly changed, a country like Costa Rica might get stuck with 50,000 contras. Now that's a very scary situation for a country like Costa Rica, which doesn't even have an army. If Kirkpatrick has her way, they might get one, but up till now, the Costa Rican Government has shown great wisdom in not having an army. And the Hondurans: if there is a change of policy in the future, the Hondurans might get no money, and they might get stuck with 450,000 refugees. Now, this, in turn, creates another dynamic which creates more social problems that in turn will create more refugees. So the Hondurans might get stuck with 450,000 Nicaraguans, and where will they put them?

You know, a lot of them are called contras, and a lot of them have been fighting for the past ten years. Now, how do you integrate such people into society? Will Miami take them? Will you provide jobs for these people? How about all of the people that are going to be displaced? Because they will no longer be able to live with this new kind of refugee, you know. Ex-contras, and now farmers with guns and their hopes...who wants to live in that kind of neighborhood? This, in turn, creates a certain kind of displacement inside of the countries.

Rick Swartz: Now, I'd like to move the discussion to address the following issue: In light of these conditions, what kind of new policies on the international level might we look at? I am going to talk more about economic policies, and keep it off the militarization issue, which we have discussed fairly extensively already.

Alejandro Portes: I'd like to mention another aspect which I think is very important: the direction of refugee flows. They are directed, to a large extent, to the United States. It is not the case that Haitians are fleeing the situation in Haiti and thereby creating a gigantic mass flow in the nearby country of the Dominican Republic, for example, although there are a lot of Haitians there working in the sugar industry. They come to the United States. Cubans fleeing their totalitarian regime have not been found to wish very much to escape into other Latin American countries. They also come to the United States.

The reason for this direction is because, together with discontent and the local conditions, there is also knowledge that the gap between whatever you want and whatever there is can be solved in certain places and not others. And the United States is in for an increasing mass in the numbers of people; they know that it is a place where these kinds of contradictions can be solved. So, there is this kind of movement toward the developed world which in this Hemisphere means the United States, primarily. It is a reflection, in a way, of the fact that the process of development and the relationships between the United States and its periphery have come to roost. This is the contradiction of decays of relationships between both which, in a sense, are reflected in this movement of people.

Indeed, whatever closing of the border, whatever immigration legislation is enacted simply to stop particular flows would amount to little more than bandaids in a gigantic structural process that cannot be resolved, I repeat, unless the underlying conditions of discontent, injustice, or repression are solved in the countries of origin. That's what we have to pay attention to. Immigration legislation can only be in the long run a subsidiary aspect of a broader approach to the problem.

Guarioné Díaz: I just want to raise a point, which I think is beginning to come up, and I think is important in terms of foreign policy and, of course, immigration as a whole. And that point is that, as it happens in so many aspects of society and life, it is very difficult to find one single motivation, one single factor that will explain human behavior. In other words, people do things for a variety of reasons. For social scientists it is extremely difficult, if not impossible, to isolate in most cases the specific motivation that leads a human being to do something. And I think that this is what we are faced with regarding immigration to the United States. I will refer to a couple of points which I think are especially significant. I don't think, for example, that economics can be used to explain all the immigration to the United States as most of the immigrants that we are getting, even from Central America, are relatively--and this is an important word--relatively well off. In other words, for a number of very understandable reasons, we don't get the poorest of the poor from Latin America or from many other countries in the world. And that is understandable because, in order to make that move, you have to have some knowledge of what lies out there. You have to have some context, some motivation, some kind of sophistication, a little bit of know-how, and how to do it. All these things, in general, happen to people who are relatively in better terms than the poorest of the poor.

I think that one central factor that has not been mentioned during the conference is the question of mass communication. I think Monsignor Walsh touched it in a way in his first comments. The point is that we do live in a village--a universal village. Therefore, that message is currently being conveyed in every urban site of Latin America. In the poorest places, whether you are talking about the tugurios, the ranchos, the cayampas, many Latin American neighborhoods, you do find much poverty, but you also increasingly find television. For example, in Colombia, in Bogota, you're going to be finding cable television. What that conveys is an almost irresistible temptation to find a paradise in the United States for many people. And so, you combine these factors, the question of exposure to all of the advantages that we have in American society, you combine that with the instability, the radical instability, the repression, the oppression that occurs in so many places, and at the same time you have the question of the growth of the Hispanic community in the United States.

I think this is an issue which is rarely mentioned in any kind of conference or understood. When you have 20,000,000 Hispanics in the United States that have relatives and contacts and maintain communication with most Latin Americans on a daily basis, that is a tremendous source of attraction for Latin Americans. In fact, in conversation with people that I met in a variety of circumstances, very often the motivation or precipitating factor that makes people come here is the fact that they know someone here, they have relatives, and that person here brings the other person over.

We have to try to avoid the pitfall of unicausal explanations and try to understand all these combinations of things.

The last point I want to make is that in terms of Latin America, one of the ways in which we can anticipate what country is going to be sending us immigration is very simple. It's from the newspapers and other sources that can give you information about the insurrectional movements in different parts of Latin America. For example, in Peru, we have the Sendero Luminoso with increasing activity; we have the armed forces of liberation in Colombia, and you have certainly a growing guerrilla movement in Guatemala. Guatemala certainly will push people into the United States, but not directly. It will push it through Mexico because we already have refugee camps, and it is very likely that Guatemalan refugees are going to go through Mexico first, and then cross the border into the United States. So, I think that's another source of information that we can use to project this.

Rick Swartz: Points were raised about the characteristics of the migrants--that they are "the best and the brightest." What impact will this have on the ability of other countries in the hemisphere to develop economic infrastructures and political democratic institutions, and to institutionalize that stability? I think we need to be very thoughtful in taking that into account as we examine policies designed to alleviate some of these root causes.

BEST COPY AVAILABLE

Harvey raised a question which I think is an appropriate one in looking to the future, and that is, what are the demographics for the next 20 or 25 or 40 years, and to what extent is that relevant to the root causes?

Population growth is indeed exploding throughout the hemisphere. It contributes to the inability, often, of a society to feed its own people. It contributes to the prospects of instability. It contributes to out-country migration, not simply to the U.S. but often within the region. I think it is also, however, a fear of the same. Most experts agree that population growth alone does not explain migration. There are some countries in the hemisphere which have quite a bit of population growth but do not have out-country migration. So a range of other factors and considerations, it appears, need to come together to better explain the decisions of people to move. But demographic projections in the Hemisphere are among the factors which need to be taken into account as we try to anticipate any plan for the future. Harvey, do you want to expand on that point?

Harvey Ruvin: I think there's been a fairly comprehensive listing here of the various causes that can trigger the flow of immigrants. That there are many causes is a very strong point, and the causes are very complex.

When you look at countries where the population trends are almost vertical, you are looking at 56 percent of the population under the age of 15. That means that over the next five to ten years there is going to be an enormous explosion of work-age population, and the jobs that are going to be needed to put food on the table for these people are not in the pipeline now, and can't be put in the pipeline in time to meet those needs. Those are people that are going to have families, they are going to be hungry. And the point that was made about the mass media is very apropos to this discussion, because the directive nature of the migration is also another point. These people are going to be looking to come. And there's going to be an enormous need that we've got to anticipate.

Leonel Gómez: Just a short comment on demographics. One of the problems that you have in Latin America at the village level, especially in places like El Salvador, where you have a population explosion, is this: These are people who don't have any money at all; who are making, perhaps, only about $130.00 a year. This is the real village. This is not Miami. So they make $130.00 a year. Now, fifty percent of the children they have are going to die before the age of five. That means they are bound to have lots of children, because they do not know how many of them will survive. That's one problem.

The second problem is that there's almost no government service for these people. Their only security is to have lots of children because they are the ones who are going to take care of the father and mother when they get old. That's the custom. So, in order to get this person at the village level to have smaller families, you need to

BEST COPY AVAILABLE

solve other problems first. If you can't solve those other problems, they will have to solve the problem themselves with the only thing that's available to them: to have enough people around them who will love them and take care of them in their old age because there's just no one else.

Michael Myers: Demographics are extremely important in the immigration debate. The issue of brain drain and other issues of that sort are of critical importance, I think, and should continue to play a role in our immigration laws and policy. But I will question the applicability of demographics to the political asylum equation. I will question whether it's appropriate for the United States or any of us here in this room to make judgments of a demographic sort in a political asylum context. If an individual, who is a journalist or potential leader for change in a particular country, feels in his or her judgment that he or she needs to depart that country, then it would be far from our opinions in respect to demographic reasons to judge if that individual should or shouldn't take that particular step.

César Odio: I am going to speak as a public official concerned with the City of Miami and I am going to ask a question. I understand the problems in Central America; I understand the problem in the Caribbean, and of course, I understand the problem in Cuba. But we also have to understand the problem in Miami. And what are we going to do when we have 50 percent unemployment in the black community, which we have to work with. When we have the problem with the Haitian community which has been losing their jobs because of the AIDS syndrome...can't find jobs because people won't hire them, or have anything to do with them. When we have 10 percent unemployment, when we have no housing for them. What are we going to do for the future and how can Miami bear the brunt of all the problems that are being created in Central America, in Cuba, Grenada, and all the other places?

I think we should try to get an answer: what are the specifics, and how are you going to plan for the future for this area? How are you going to plan an immigration pattern that will not destroy this area?

Rick Swartz: Let's make the shift into how this region would like to be able to respond to the mass asylum situation in the future. Simpson-Mazzoli, as it now stands--will it help or hamper the ability of the Florida region to respond to a mass asylum situation? Those of you who comment on that question--if you have second thoughts about the direction of Simpson-Mazzoli, what would be your alternative?

Brenda Pillors: Just addressing what other panelists have said, particularly regarding Cuba and Central America, it seems to me that the issue of family reunification is one which is not really taken into account in terms of the Simpson-Mazzoli legislation. For example, the notion in the Senate bill of providing temporary rather than permanent residence to Haitian entrants than certainly delays the potential for family reunification much further down the road, and

BEST COPY AVAILABLE

it seems to me to add to the potential of another Mariel Exodus. The issue of extended voluntary departure for Salvadorans, looking to Guatemalans as well, seems only to add to the problems of the massive influxes of people from those countries. And I don't think that these issues are adequately addressed in Simson-Mazzoli, particularly the status issue as it pertains to Cuban and Haitian entrants.

And there is a complete lack of interest not only on the part of the Administration, but also in the Congress in dealing with the extended voluntary departure question. In spite of the pressure from church groups and others to get even a Congressional hearing on the question, we have not been able to thus far. So it seems to me that in terms of the present legislation and issues that are surrounding this whole question, Congress and the Administration have fallen far short in terms of providing any alternative policies.

The issue of internationalization of records is one that needs to be looked at seriously as well, and I don't think anyone is really dealing with this in a serious nature. The whole question of regularizing the status of Cuban and Haitian entrants really has to be given serious consideration. Also, this notion of temporary residence--I suppose it's better than nothing at all, but it seems to me that giving temporary residence to people that we have basically decided are going to remain here, only prolongs our regularizing their status within the society, and there ought to be some serious consideration about giving these people permanent residence. This brings you much closer to the issue of family reunification which, as other speakers have stated, could be a spur to a second Mariel.

Rick Swartz: Manuel Díaz is from S.A.L.A.D. (Spanish American League Against Discrimination), and I am going to see if he is in a position to help us shift the discussion to the domestic side, regarding the Simpson-Mazzoli status issue and emergency powers questions.

Manuel Díaz: First of all, I want to totally and completely endorse Brenda's comments with regard to the temporary residency issue and family reunification. There is also another area that I would like to comment on briefly. It is generally accepted that political conditions in Cuba haven't changed in the past twenty years. Therefore it is extremely distressing to see the change in the Administration's asylum policy toward those fleeing Cuba. Right now we have the case of people who took a boat to cross the sea to come to the United States, as has been done many times in the past twenty years, and these people began to be looked upon as hijackers, in the same way as someone who was taking a plane from this country into Cuba.

And that is something that we are concerned about. We are concerned about the nature of the Cuban adjustment from the fact that it isn't being applied to Cuban Mariel refugees as opposed to Cuban refugees from before. Even as I look at the outline for this discussion, I notice that you have made a distinction between Cuban refugee admissions since 1960, and then from Mariel. I think this further illustrates the fact that the two are being looked at

BEST COPY AVAILABLE

differently, and I think that's a changing policy that should not exist because the political conditions in the sending country are the same. And the disparate treatment by the Administration in applying refugee policy as to asylum and the groups that came before, or even after, but not during Mariel, is something which is particularly disturbing to us.

Monsignor Bryan Walsh: I think we have to realize that the distinction between political asylum versus economic migrants who come all the time is extremely simplistic. Every political asylee is also an economic migrant, almost by definition. This confuses the issue enormously when we come to the local scene. The fact of the matter is that there are tremendous economic pressures for people to move from the Caribbean and Central America. But the only way they can get in and stay legally in the United States is as a political asylee. This country should begin to question the whole issue of political asylum and consider the real issue there, which is the welfare of the individual.

Another difficulty is the fact that people are being deported from here and repatriated to their own country, where they are being imprisoned. We know this in Nicaragua; we know this in Haiti. And they are being deported without even being offered the chance to go to another country. I think these administrative policies need to be looked at.

I suggest that there are steps that are available to reduce the possibility of another Mariel. They are available administratively under present law, but they are not being used. This includes the facilitation of family reunion as a human right and a human welfare, and a U.S. citizen's right. And also there is the rectification of status under the 1955 and '56 law, which is not going on. If we are going to let the Mariel entrants stay here, we should regularize them as soon as possible. That is in the interest of this community and in the interest of this country.

Rick Swartz: In light of all this, of people coming in and seeking asylum, whether they are Salvadorans, Haitians, Cubans or others, can there be any relationship between the question of temporary foreign workers, labor needs or issues that arise in the context of the H-2 temporary foreign worker program, and the claims of thousads of people for sanctuary--can we somehow "kill two birds with one stone?" Muffy Houstoun, why don't we start with you?

Marion Houstoun: The Department (of Labor) doesn't have a view on something like that.

Rick Swartz: How about on a personal basis?

Marion Houstoun: To answer your question very briefly--is there a relationship or can there be a substitute--my answer to both of those questions would be a flat no. Let me explain why. There have been instances which would disprove what I have just said. There have been instances--many of them-- in refugee flows and programs since World

BEST COPY AVAILABLE

War II, and before World War II, when refugees were selected on the basis of their economic characteristics. For example, in European refugee flows during World War II, some refugees were accepted because they were agricultural workers. So if you wish to construct that kind of refugee program, then I think you could answer the question, "yes." But then you would need to ask the question, is that a good way of going about running refugee programs?

So, if you select a refugee on the basis of economic need in the host nation, then you could integrate the two issues. Otherwise, I think you cannot, in the least, although all immigrants and all refugees make a labor market confusion and have a labor market impact because most people need to work in order to live.

I don't think the function of immigration and refugee resettlement flows are compatible. Because the whole idea of an H-2 program or guest worker program is to regulate labor flows to specific areas, in specific occupations, for specific needs. And if you lose that regulation direction, so that you were controlling human behavior entirely in terms of labor market needs, then you have lost that program. That's why there's a breakdown, a radical discontinuity between labor flows, i.e., using migration for labor purposes exclusively, which is how I define a foreign worker program, and immigration flows, i.e., settlement flows, and refugee resettlement.

Rick Swartz: If there were policies to provide Salvadorans or Nicaraguans, or others who are not going to be admitted as refugees and who may not be granted permanent residence in the U.S., a grant of temporary safe haven--if these persons have skills that the growers might need, would there be some interest in looking at them as a source of labor to meet labor needs of the agricultural sector?

(? ? ? ?): Sure, there is some historical evidence of it; the agricultural industry is the largest employer of Haitians in the U.S. today. On the other hand, however, there are very few Cubans employed in the agricultural area, unless they are either engaged in growing traditionally Cuban crops or in the sugar can industry which they were familiar with in their home country. I would agree with Miss Houstoun, I don't think that there can be a direct transferral of refugees to meet labor needs. I certainly think that they can be accommodated to a great degree. As for the agricultural industry, well, clearly they would prefer to hire someone who is here, and locally available, rather than subject themselves to the additional restrictions of the H-2 program, to say nothing of the transportation cost of flying workers from Jamaica or Barbados or wherever in order to provide workers.

Rick Swartz: Frank, I understand that the Southeast Asians who are on the West Coast can't make it in agriculture--can't meet productivity rates, can't survive the rigours of that kind of life and never last the season in the work.

Father Frank O'Loughlin: What you have to remember is what working for United States agriculture means: the kind of poverty in which people have to live, the kind of exploitation, the kind of social stratification. A great number of the people who are coming in would just not be capable of functioning under the conditions under which American black or Chicano agricultural workers have lived. They last a very short time. The Haitians who were rural poor, and the Guatemalans who've been rural poor Indians break very quickly in this kind of work. People here without work authorizations, they'll do out there as long a they have to, but once people have any degree of control over their lives, they'll start collective bargaining; they'll start moving, and they're simply not suitable subjects for that kind of regiment.

BREAK FOR LUNCH

Rick Swartz: I'd like to share a moment of Commissioner Nelson's lunch address, because I personally agree with the spirit of it. As I understood it, he was, in effect, saying first and foremost that the rule of law, a concept of the rule of law is fundamental. It's fundamental of our political system; it's fundamental to the questions of reasons why people are leaving their homelands- -their lack of the rule of law, their exposure to arbitrary violence, their lack of a judicial system to protect their property, their families or their livelihood. Leonel Gómez has also echoed the Commissioner's thoughts, as an asylee from El Salvador, who believes that the system works. He may not always agree with the outcome, but believes that the opportunity is there, and if you undertake the effort, you can make a constructive difference. I think it is significant that a gentleman with Leonel's experience from a country where the rule of law is problematic at best, expresses such appreciation and hope in the sense of opportunity with regard to the political and legal systems in this country.

Also, the Commissioner talked about criticism. And yes, criticism can sometimes get out of hand. I think in this conference it has not gotten out of hand at all, but indeed, it has been very constructive and civilized and I hope we can continue that. But the criticism, perhaps in a way, is a reflection of our optimism--that this creative tension reflects a sense that we can do better. Out of this creative tension, out of this debate, our thinking and understanding becomes more rigorous. As we engage in criticism of others and expose ourselves to criticism, if we can maintain a civilized and constructive attitude, we can take this creative tension and translate it into action, and that may be at the heart of doing better.

A final thought that I'd like to share is that these themes have reflected the character of the National Forum. The character of this kind of meeting is participatory. People come to the table and they sit as equals. Their ability to persuade is what counts. Both, here and in meetings, we do in different parts of the country; and in Washington, I think we are beginning to learn how better to work with one another.

Now, I'd like to try to continue, as indicated, with the discussion of asylum as a theme, and particularly ask those from South Florida, and perhaps the state and local governments, to share some of their thoughts on the issues which, from their perspective, are most fundamental, and looking to the future, the direction which local, Linda Berkowitz: In terms of the question of asylum, the decry of state and local governments is very simple. There needs to be a fair and very expeditious manner for determining status. And the reason for that is the in terms of human needs, there is no difference for states and for local communities as to refugee versus someone's whose status is in limbo. Their children have to go to school; they lose their jobs; they need health care because they get sick like everyone else; they need to be housed; they need to be fed; they need to be clothed. Sometimes they wind up involved in the criminal justice system but, unlike refugees and entrants, the Federal Government takes no responsibility for any financial participation in the delivery of services to those people. And the longer their status remains in limbo, the greater the impact on state and local governments, who are already dealing with diminished resources for those kind of services.

Cesar Odio: I have to separate political asylum from mass, illegal immigration. I think this is very important because I was a political asylee at one time. I know what it means to be able to reach the shores of a free country, and be protected from the people that are persecuting you. That is very important, and for this or any other free government to send a political asylee back to where he came from, where his life was in danger, that is a criminal offense. It is inhuman and is not within the realms of a democracy.

So, I think it is important to separate that from illegal, mass migration which is what we had during the Mariel boat lift. And that's why the issue is distorted, in my opinion. I think this would be one important topic to discuss and to explore deeply.

Ira Kurzban: Let me say first that, unlike my good friend Rick here, I did not find any great comfort in what the Commissioner said. I also have something further to say now. Since 1981, maybe we haven't changed our tune, but certainly they haven't changed theirs either.

I think the Administration's policy represents some of the worst traditions in American society--those traditions that have to do with the closing of our borders; those traditions which have to do with not permitting peoples of various colors to enter the United States. Senator Simpson, in speeches no to these kinds but other kinds of groups, has made it perfectly clear that one of the grounds for the Simpson-Mazzoli bill really is to restrict immigration, because by the year 2000 we may have too many Hispanics in this country. Well, if you go back and look at the history of our immigration law and you look at what we said on the floor of the United States Congress at the turn of this century, the same thing was said about the Chinese and the Japanese. Our immigration laws, in many respects, reflect that kind of prejudice.

With regard to the whole question of asylum and refugee matters, it seems to me that our asylum and refugee process is really totally illogical. I'll give you three examples that to me are very striking.

First of all, the Commissioner has said that our courts are clogged with litigation. Now, for those of you who were here this morning, you heard that, in fact, last year there were only four class actions brought in the United States, and there were fewer than 200 federal litigation cases brought in the United States with respect to immigration. And when you think that there are literally twenty, thirty, forty thousand pending immigration cases within the

Immigration Service itself, the fact that there are 200 certainly does not mean that our federal courts are clogged with litigation. The question then arises: what is he talking about? I mean, why are we proposing something like we have in the Simpson-Mazzoli bill?

The second striking example of what goes on with our refugee policy is Mr. Elliott Abrams, who seems to be willing to tolerate the fact that there are children in detention camps, who have claimed political asylum in the United States--children from El Salvador, Haiti, etc.--and yet, when the son of a Soviet diplomat is seeking to leave the United States, he goes to the airport to try to question this child, to find out if he really wants to stay in the United States and seek protection in this country. I think you can draw your own inferences from that as to what is really going on in our refugee process.

The third thing is really how people come to the United States and what refugee and asylum law really is. You know, we spend a lot of time talking about the asylum process. And if you look at how refugees are coming into the United States--our law makes a distinction between refugees and asylees--you learn very quickly that the asylum process is almost meaningless. That the way people seeking freedom and fleeing their countries come into the United States is through the refugee admissions process. In 1980, the U.S. Congress did two things: they said that we would no longer have a bias in our law with respect to admitting people from communist-dominated countries, and that our refugee laws are to be applied evenly across the board. Congress, however--and I think mistakenly--left it up to the President of the United States with the advice and consent of the Congress to select the numbers and the geographical distribution of where people would come from.

So, if you look at our refugee admission process, it becomes apparent very quickly that we have reinstituted the same bias with respect to people fleeing communist countries. In the last several years, we have accepted under our refugee quota only 3,000 people from Latin America, who were seeking asylum or refugee status in the United States. At the same time, we've accepted 30,000 from the Soviet Union on an annual basis. We've accepted from 90,000 to 130,000 people from Southeast Asia. We accept only 3,000 from Africa even though there were more refugees from Africa than any other continent in the world. And yet, the United States Government has repeatedly only made available 3,000 spaces for refugees coming from Africa and from Latin America. You have to ask yourself what is going on in this process. And what is going on, in my mind, is really two things: One is that, since the 1950s, refugee policy has been used as a political tool to effectuate cold war policy. The second thing is that the asylum process is a means by which you restrict those people who you really don't want to come into the country. You put them through an asylum hearing where the burden of proof is absolutely enormous, where there is very little opportunity to really prove a case for asylum, and you reject them. So, what we have is a large stream of people coming into the United States, while very few people get into the asylum process. In essence, what we do is sort of politically divide the world in terms of who we want to admit, and then force everyone else to go through this asylum process so they have almost no chance of winning. So, it's no surprise that in the last six or seven years, for example, when there have been perhaps 15,000 or 20,000 Haitians applying for political asylum, there have been less than 100 asylum cases granted.

So, I think if you really look at the system, you realize that it is serving certain functions, but it has nothing to do with humanitarian policy; it has very little to do with what Congress wanted, and it has much to do with the cold war and administration policies directed toward those people we want to favor in this country.

Monsignor Bryan Walsh: I would like to make a few remarks specificaly on the question of political asylum. I think a little bit of history is very important here. In 1939, just barely within sight of the upper rooms of this hotel, a ship called the City of Saint Louis stayed off Miami beach for about 10 days, loaded wth Jewish refugee from Nazi Germany. They were refused admission. They went back to Holland. Most of them were finally caught up in World War II, and most of them died in the concentration camps.

The second thing is, we've had the experience here, according to official government admissions, of people recently sent back from this city--one to Cuba, one to Nicaragua--repatriated forcibly against their will, who ended up being persecuted. This is a spectacular issue when somebody is standing right here in this community and is being told, "you are going to be forcibly repatriated against your will to a place where you have a well-founded fear of persecution." I think the burden of proof is not on him, that he has a well-founded fear of persecution, but rather the real burden of proof is to guarantee to the people of this community, in this country, that that person will not be persecuted. This was why all the international legislation, the United Nations protocol, came into existence.

David Ford: I got here Wednesday afternoon from attending a conference at Nichols College, in a small town in Massachusetts, which was somewhat more academically oriented than this conference, although many of the same things were said. We had an opportunity to listen to people like Peter Rose, Norman Zucker and Judge Conlon, to give us an overview of the last 43 years about refugee resettlement and immigration. It's interesting to listen to that perspective because what you hear is that our policy, to the extent that it exists, has been remarkably inconsistent over the last 43 years.

Professor Portes has referred to contradictions, in international terms. I think there are also contradictions domestically in terms of our policy. It was suggested that the Government doesn't do any forward planning. I think there's merit to that suggestion. We usually don't think much further back than last Thursday, or much further ahead than next Wednesday, and that is a problem. Brenda Pillors suggested that the Administration and Congress have fallen short in developing alternative policies to deal with some of the issues that we've been discussing, and I think that's probably a fair criticism.

In the context of asylum, what do we do about that? Now, let me make a distinction in the definition of asylum. I am using the term "asylum" to refer to protecting people, who may be at risk. And I would like to make it a broad definition and not dwell so much on what has been discussed here in the nature of the tecnical, administrative, and legal details of asylum processing.

In the context of trying to decide or determine what we can do about asylum, protection of people, I think you have to start from the premise--and I choose to start from that premise--that the United States Government does not have a first asylum policy. If you look at it historically, I think the reasons for that are relatively easy to understand. Only in 1959 and 1960, and again in 1980, have we been faced with the issues of first asylum. We have a geographical advantage. Indochinese refugees go to Thailand and Malaysia, Afghan refugees go to Pakistan, Ethiopian refugees go to the Sudan--almost no refugees that come here claim first asylum. So we don't have a tradition of accepting people for protection, for safe haven, that many other industralized countries have developed, or that have been develoed in third asylum countries in the underdeveloped world. One might look at what other countries have done in this area, what institutions have been involved and whether or not we can apply some of those "tried and true" attempts to deal with protection and safe haven.

Now, let me suggest what might be a way to proceed. I want to say that this is not a formal proposal by the United States Government at this point. There are no decision papers, no memos to the President, no pro/con papers, but it's an idea that some of us believe has some merit, that probably should be debated, and we should think it through to the end.

I suggest to you that, under our current laws, we do not have a legal status in this country that permits people to come here for the purpose of being protected. Consequently, perhaps, we ought to think through the fashioning of a new legal status, an intermediate status that would fall somewhere between refugee and asylee and illegal alien. Potentially, the utilization of that status would be triggered by a mass flow of refugees, would be authorized by a presidential determination after consultation with the Congress, and that presumably, although there is some doubt about this, it may require a statute in that regard.

Now, whom do you admit and how? When the idea was first being kicked around, the simple answer to that question was, "why, you admit people by nationality, of course." In thinking that through, that appeared not to be such a good idea. That if you admit all Haitians, or if you admit all Salvadoran claimants, you succeed in creating a very effective magnet; and it's been suggested to us that whatever admission policy you design, it must also have some constraints if Congress is going to be persuaded. Well, we have a recent precedent that may be useful in this regard, and that is the world-wide guidelines for overseas refugee processing that were issued last August. The precedent in that set of guidelines is that it authorized the establishment of categories of persons who are presumed to be subjects of persecution in their countries of origin, and therefore, simply establishing that they exist within one of those categories is sufficient reason to allow them admission. In the case of Vietnam, for example, some of the categories of persons who are presumed to be persecuted in Vietnam are former military and government officials, prior to 1975, Catholics, ethnic Chinese, montagnards, and there are a few other groups. So, in terms of determining how you admit individuals under an admission program that would authorize people entry for protection, that "category of persons" precedent may be something useful to think through.

Secondly, once they're here, once these categories of people are here, what do you do with them? This is a tough point. What happens in most other countries in the world, where people are put in protection centers? We need to consider whether or not it would be appropriate to do that in this country. Remember, the issue is protection. If you bring people in and put them in protection center, asylum refugee procedures will continue to apply. But the critical point here is that we should potentially do something that occurs everywhere else in the world but not in the United States. There is an international institution that has a charter to insure protection and assistance to refugees, and that is the United Nations High Commissioner for Refugees (UNHCR). We have not invited the UNHCR into this country, nor do they have a very effective presence in the rest of the Western Hemisphere. We need to consider very carefully the option of asking the UNHCR to play its protection and assistance role in the Western Hemisphere and in the United States, so that they would administer these protection centers which would exist not only in the United States, but also throughout the region. So, it would be a hemispheric attempt to provide protection for people at risk, not only in the United States but in other countries in the Americas as well. So, what would be required of the UNHCR is an expanded role in the Western Hemisphere, and the possible creation of a small network of protection centers in the Hemisphere that would house people who require protection. We would then do what is done elsewhere in the world. Refugees or people who require protection, who are in protection centers, would be eligible for resettlement in countries in the Western Hemisphere, providing they meet the definition of refugee and the various categories of entry established in the United States and in other resettlement countries. The UNHCR would do what it does everywhere else. It would present cases to third country resettlement governments in the case of the United States. Those claims would be adjudicated by IRNS as they are everywhere else in the world, and if, on a case by case basis, those people in the protection center are eligible for entry into the United States, they would enter as refugees.

ROUND TABLE III

Now, this is simply an idea at the moment, and there are lots of technical problems. I simply want to put it on the table. It is a subject, I think, that should be debated over the next few months. I suspect that four or five months from now, it may not look precisely like this, but there is a view that despite the technical problems that may exist here, this ought to be thought through carefully to see whether or not there is merit to attempt something like this. I think it has interesting potential. I think this is something that should be debated publicly among those organizations like yours, who deal with these issues every day, and that should be discussed with the Government as well.

Rick Swartz: This idea looks like it's worth pursuing further over the next number of months. The Forum will be working with the Coordinator's office and others to try to help provide an opportunity for public debate. And certainly, one of the reasons we are in Miami now is that you all have an experience that no one else in the country has with the first asylum phenomenon, the mass asylum phenomenon. So, certainly, share your thoughts on this outline, and I think you'll probably have an opportunity to participate in discussions to flush it out, to take a hard look at the technical problems and see if it's maybe a new policy direction. David hasn't said so, but I think it is fair to say that the bottom line of this concept means internationalizing, both on the shores of the U.S. as well as in other parts of the Hemisphere, the response to persons fleeing conditions to which they should not be sent back. It may not be refugees per se; it may be people that, according to current standards, would not legally be entitled to asylum, but nevertheless are in need of protection or safe haven, perhaps for a week, perhaps for a month, perhaps for a longer period of time. Or maybe, there would have to be another solution that would have to be pursued. But I think it is deserving of applause that after a number of people--Monsignor Walsh and I among them--have for several years encouraged an examination of this kind of international approach to asylum on our shores, as well as throughout the Hemisphere, that the State Department, as you have just heard, has indicated they would like to see some public discussion and see if there is something worth pursuing here.

Leonel Gómez: Yes, it is nice to hear, especially the point of view of government officials here that put it so nicely. I asked the Commissioner a question after lunch. I said that I wanted him to clarify something for me. I said that I was observing what I thought was a semi-legal status among some of the Salvadorans that are here in the United States, and that this was obviously a double standard, the opposite of what he had stated. My point was this: there are a number of Salvadorans living in this country that are quite wealthy, that have come here with a multiple tourist visa. They stay in this country for six months; they get out, go to Mexico, go to Europe, go to Guatemala; then they come again for another six months. Now, these people own houses here that are rather large and nice. They have substantial amounts of money--we call a sort of "development in reverse" since they've taken close to a billion dollars out of El Salvador in cash, and they've been depositing it in a number of foreign banks. The question I asked was, is this legal? Some of these people have been doing this for five or six years. Are they tourists or residents?

My other question was, if technically they live here, how come they don't get any pressure to legalize their status? That way, they would have to pay income tax. How come these people are getting a

BEST COPY AVAILABLE

better break than you, the citizens, do? These people don't have to pay income tax on all the money they have in this country; all they have to pay is sales tax and property tax. So, that was my question to him. And the only thing he said was that it was obviously an abuse of the system. I would very much like to ask somebody in the Federal Governmet to look into this matter, because it could earn your country a couple of million dollars in back taxes.

Rick Swartz: Joe Trevino is with the League of United Latin American Citizens' Washington Office. He has been working quite extensively on a range of issues, including the Simpson-Mazzoli bill. I'd like him to outline from his perspective where things seem to stand, where they seem to be going, and what LULAC might have in mind.

Joe Trevino: Thank you very much. I'd like to preface my statement with a comment. The League is not a narrow-minded organization; it is not just concerned about Mexicans or Mexican-American issues. It is a predominantly Mexican-American organization because it was founded in the Southwest, but our membership has expanded greatly in the last ten or fifteen years into the Northeast and the Midwest, and recently into the Southeast.

We are here, basically, to meet with the local "Lulackers", as we call them, to educate ourselves as to what are the main concerns and the issues that impact the most on the Cuban-Americans, the Puerto Rican-Americans, the Mexican-Americans, and other communities. It's a learning process for us.

Another reason we are here is because the League has for many years believed that coalition building is important. The Simpson-Mazzoli bill would not have been stopped had it not been for coalition building, had it not been for a widespread coalition effort on the part of may organizations, not just the League or Hispanics, in general. I would also suggest that the League has been very concerned on many domestic and foreign policy issues based on its interest and its commitment to bettering the human conditions of individuals--whether they are individuals coming from other countries or individuals within this country's shores. And further, I would suggest that the "Moral Majority" does not have a monopoly on terms like pro-life, pro-family, pro-freedom, or democracy.

One of the reasons we were opposed to the Simpson-Mazzoli bill was primarily because it didn't provide fair and expeditious processing of political asylum claims. The League does not pretend, nor do I, that we are experts on refugee issues or political asylum issues, but we are interested, we are committed, and we will continue to work in this area with those brothers and sisters from varying organizations and various perspectives. I might add to this particular point that the Forum has been quite instrumental, in fact vital, to the immigration debate in providing a forum for individuals to come together from diverging perspectives, to be able to come to some resolution so that we might collectively better the human condition of the individuals coming from other countries to this country, and those that are currently here.

Commissioner Nelson has made some statements that we may not always agree with, but, nevertheless, we can always talk. Senator Simpson has stated on record in the media that the hispanic community has been given ample opportunity to voice its concerns on the immigration bill and the immigration debate. I would suggest that there is a great deal of difference between disagreement, and having open-door policies, and being provided an opportunity to voice our concerns, and that of being heard, and having our perspectives included or incorporated into immigration issues.

Basically, we consider that to be somewhat of an attitudinal change in this administration. And by any means, neither the Administration nor the Commissioner can be blamed wholly for the situation with the INS now. I was very pleased to hear that they are going to streamline the process by computerizing the INS and speeding up the process there. But we would think that the issue that the Commissioner mentioned in terms of the INS is actually the root of the problem, and it should be the first step. In that vein, the League has proposed, along with members of the Congressional Hispanic Caucus and some of the other organizations we've been working with, both religious and other communities, to develop an approach to provide an alternative to the Simpson-Mazzoli immigration bill. We are quite disheartened to know that the Speaker of the House has made a decision to move the Simpson-Mazzoli bill in February or March. So, we feel, in a sense, that it is incumbent upon us to come up with alternative legislation.

We think that is actually one of the reasons that the Simpson-Mazzoli bill has failed two years in a row. It is too comprehensive in nature and pits too many groups against each other--you have folks that are concerned about political asylees and refugees, people that are concerned about legalization adjustment status, Hispanics and other minorities that are concerned about employment discrimination as a result of employer sanctions, organized labor supporting employer sanctions as a means to safeguarding the workplace for Americans and legal residents, agricultural interests wanting to make sure that they have a continuous supply of what we would term--and they would certainly differ--cheaper exploitable labor. That cheaper exploitable labor is a historical phenomenon that has happened in this country and that has seen its ebbs and tides during hard economic times and certainly during military endeavors of this country.

The members of our organization are in favor of immigration reform. We don't just favor immigration reform in the manner which Simpson-Mazzoli approaches it, which is to impose sanctions on employees who are undocumented workers. We know all too well that too may people's rights have been violated with this enhanced interior enforcement. We would support as an initial step in an incremental approach to immigration reform enhancing the capability of the INS to enforce the borders. We are not maintaining that we should forsake the law and allow people to come to this country's borders untouched or unhindered. We would have enhanced enforcement of the borders, but we would have it fairly and equitably.

Additionally, we would suggest that this country make some effort to initiate a partnership with the Mexican Government, and even the Canadian overnment, to break up the smuggling rings which basically are the largest exploiters of undocumented people coming into this country, but from Mexico and other Central American countries, and from around the Caribbean as well.

We should look, as well, at an INS efficiency bill to make sure that the INS does get the resources they need. We understand that they do need to computerize their systems, that they do need more people. Several times during the immigration debate on the Hill, we heard that there were more police on Capitol Hill than there were in the 1990-mile border with Mexico. And I think that's a real tragedy--to say, on the one hand, that you're going to build a new fortress in America with walls and fences, and, on the other hand, not even that the personnel that would be required for that particular service. Which brings me to my second proposal, which would be (within the first year of a three to four year incremental approach to reform) to sensitize the INS personnel to the differences between the various minorities in this country, and again to sensitize them to the civil rights and human rights issues that everyone is entitled to once they are within this country's borders.

We would think as well that we would need to have some kind of approach to insure that people's rights are not trampled. That's a very real concern for us, primarily because the hispanic community is centralized in the Southwest and the Midwest and historically has been the target of many human and civil rights violations. Basically, we look like the type of people they are looking for--and I dare say, if I were to take off my tie and change my speech, I myself might be subject to some of the enforcement activities of the INS. Again, that is the challenge of our times.

The second year we would propose an adjustment status program which would take into consideration the equitable contributions of the individuals who have been here in this country, but without the benefit of documents. As well, we should, in some way or another, address the problems that the refugees and political asylees are confronted with. And while there have been some distinctions made here today and yesterday between refugees, political asylees, and undocumented workers in this country, they all have one thing in common, and that is a human condition that we must be concerned with. Again, we must be pro-life, pro-family, pro-democratic, and pro-freedom, and we should be primarily concerned with the human condition of those who find it necessary to come to this country's shores.

EXECUTIVE SUMMARY

ROUND TABLE DISCUSSION ON ASYLUM

Q: What are the conditions in our hemisphere that give rise to migration and asylum requests?

Monsignor Bryan O. Walsh: Authoritarian or dictatorial governments are the overriding cause of migration. Because the US is accessible to those now faced with governmental repression and abuse, we have become a country of first asylum for the first time in our history.

Cesar Odio: Current government practice, which denies the reality of the need for family reunification, is building pressure within Cuba for another mass exodus. There are about 200,000 applications for visas pending for Cuban nationals. This makes a planned response by the US Government to this pressure an urgent need for Florida and Dade County.

Commissioner Harvey Ruvin: The backlash in Dade County caused by the refugee influx is creating a policy which denies Constitutional rights to asylum applicants seeking refuge in the US Asylum is becoming more complicated, and therefore, a disincentive for migration to the US.

Ira Kurzban: Many more people want to come to the US than ever before, and this has become a destabilizing influence throughout the Western Hemisphere. We are seriously infringing on our traditional concepts of freedom and equality for all races through our current policy of detention and interdiction as a disincentive to migration.

Rulx Jean Bart: Because the economic situation is seriously deteriorating in Haiti, and because political repression continues, refugees will keep coming. The total disregard for human needs of those seeking refuge and asylum by the US overnment denies our tradition and heritage as a nation of immigrants.

Guarione Diaz: Freedom to speak one's opinions, to think, and form one's own ideas are the most compelling reasons to migrate from one's own country where it is being denied.

Rene Quinonez: Migration from Nicaragua's totalitarian Marxist dictatorship has been accelerated by recent laws for compulsory military service, a lack of vital services, and hunger. The US is seen as the only safe place to come to avoid the government's persecution.

Amit Pandya: The Salvadoran war has caused an exodus of Salvadorans who seek refuge from violence, deprivation, widespread destruction, and a breakdown of basic social and economic structures. The U S government acknowledges the increased activity of death squads under the Salvadoran government's direction, yet claims those fleeing are economic refugees.

Alejandro Portes: The contradictions within countries in our hemisphere that pit development and increased expectations against the reality of economic stagnation have created general discontent in the population and a pressure to migrate. We must find a way to encourage development without creating discontent within the sending countries of our hemisphere.

Aurora Camacho de Schmidt: The militarization of the Caribbean and Central America, along with the increased U S role in armed conflict, has caused many to flee from fear. The suffering of human beings is pervasive throughout the hemisphere.

Leonel Gomez: Central America appears to be heading into an even bigger nightmare. There is a great deal of fear that President Reagan is drawing his imaginary line against communism through the heart of Central America. The reality of the left is that many people are being killed, and the thought that the violence may escalate is frightening. The migration of peoples between Central American countries is creating a new pressure which will eventually be reflected in migration to the U S.

Alejandro Portes: Despite general conditions of unrest, violence, and discontent, the refugee flows are directed to the U S and not to other countries. Those leaving know that their expectations can be more easily met here than elsewhere in Latin America.

Rhea Cohen: Population growth in this part of the world has been explosive. It contributes to the poverty, aggravates rural to urban migration, and increase out-country migration.

Leonel Gomez: People have large families in Central America because up to 50% of the children born to rural Central American mothers do not live to the age of five. Also, the lack of government services means that children are the only security people have to insure that they will be taken care of in their old age. To get them to have smaller families, they must be given solutions to their other problems.

Michael Myers: Demographic and population studies have no place in a consideration of the issue of political asylum.

Q: WILL THE PRESENT SIMPSON-MAZZOLI BILL HELP OR HINDER OUR ABILITY TO RESPOND TO MASS ASYLUM APPLICATIONS?

Brenda Pillors: The present bill does not take into account the issue of family reunification. The temporary residency provisions and the extended voluntary departure issue only add to our existing problems and have not been adequately addressed. Entrants must be regularized; their temporary resident status only prolongs dealing with their fate. The present Administration and Congress have shown a complete lack of interest in dealing with this issue.

Manuel Diaz: The people now fleeing Cuba are leaving for the same reasons people left in 1960. Yet the U S Government has been treating them like hijackers and criminals, rather than the political refugees they really are.

Monsignor Walsh: The distinction between a political refugee and an economic migrant is very difficult to make, especially with current Administration policy. The pressure to move here is enormous, but people can only stay if they claim to be political asylees. It is in the best interests of this country to deal with the reality and to consider the well-being of the individual who comes to this country.

In addition, the Government is now deporting and repatriating people without offering them a third country destination as an alternative. This practice only increases the suffering of those forced to go.

Q: CAN THERE BE A RELATIONSHIP BETWEEN THE NEEDS OF REFUGEES FOR ASYLUM AND THE H-2 PROGRAM OFFERS OF WORK?

Marion Houstoun: Refugees have very occasionally been selected on the basis of their economic characteristics, as in the World War II period when refugees with agricultural experience were deemed more desirable than others. The objectives of refugee programs and the H-2 farmworker program are not compatible. The H-2 program was designed to meet specific grower needs for temporary harvest labor: aliens are admitted for employment purposes only, and only an as-needed basis. They must return to their homeland when they complete the seasonal job for which they were granted temporary admission. The purpose of refugee programs is to provide a safe haven to persons, who cannot return to their homeland without fear of persecution. Though most refugees must work to live, and therefore, most enter the labor market upon admission to the United States refugee admissions clearly cannot be governed by host-country employer needs for temporary labor.

Allison French: There cannot be a direct transferral of refugees to meet labor needs. Agriculture is the largest employer of Haitians in Florida, but not of Cubans or most other refugee groups. Government and labor naturally would prefer to employ people already here rather than use an H-2 program, but it has not been possible.

Father Frank O'Loughlin: Working in U S agriculture means poverty and exploitation. Most refugees are not able nor wish to become agricultural workers. Once a refugee has any degree of control over his or her life, he is not willing to subject himself to this kind of treatment or work.

Q: WHAT ARE THE FUNDAMENTAL ISSUES IN A POLITICAL ASYLUM CASE? HOW MIGHT A POLICY STATEMENT HELP?

Linda Berkowitz: There needs to be a fair and equitable but expeditious determination of asylum cases. The longer the determination of eligibility for asylum takes, the harder and more expensive it is for state and local governments to cope with a refugee.

Ira Kurzban: The Administration's policy represents the worst of our traditions by closing our borders to persons of color. Our immigration laws have always reflected that prejudice.

The Refugee Act of 1980 and the admissions process mandate that the laws be applied fairly to all, regardless of the political ideology of the sending country. What has happened, in fact, is that we have reinstituted the same bias in favor of people, who are fleeing communism. The asylum process has become a way to restrict those the Administration really does not want to come in by making the process very complex and hard to win.

Our present system has very little to do with humanitarianism and reflects only the Administration's political ideology.

Monsignor Walsh: People are being repatriated against their will, and persecuted upon return to their own lands. When someone is in our community and has a real fear of persecution if returned, the Government should bear the burden of proving to this community that the person will not be persecuted before we allow him to be sent back against his will.

David Ford: Our policy on mass asylum, to the extent that it exists, has been remarkably inconsistent and contradictory. The Government has not done the necessary forward planning, nor has it developed a clear policy on first asylum claims.

We must start from the premise that the U S Government has no mass first asylum policy. We have had a geographical advantage that has not given us a tradition of accepting first asylum refugees. However, circumstances in this hemisphere have changed drastically, and we must create a mass first asylum policy.

Since asylum means to protect someone who is at risk, a status should be created to provide protection for people who are at risk. We cannot continue to admit people by nationality, as that only acts as a magnet for increased illegal immigration. We must, instead, create categories of persons presumed to be in physical danger, and help them.

Protection centers should be established where refugee and asylum laws can continue to apply. The United Nations High Commissioner for Refugees should be invited to administer a regional system of protection centers throughout the Western Hemisphere. Refugees in protection centers would be eligible for resettlement according to existing laws of the U S and other countries. This system would give us the chance to provide what is missing in our present policies--protection for those people, who fear for their physical safety, and who have fled their countries of origin.

Joe Trevino: The challenge of our times is the reform of immigration laws in a just and equitable manner. We must increase enforcement of these laws at our borders, but do it fairly. We must see that the Immigration and Naturalization Service has the resorces to do their job, but we must also work to make their employees sensitive to the human and civil rights of ethnic minorities.

V. Keynote Speeches.

IMMIGRATION POLICY: THE WORLD HOUSE AND THE UNITED STATES

Keynote speech by the Honorable Walter E. Fauntroy

It is a distinct honor, privilege, and opportunity to share with you my views on immigration and refugee policy at this conference. I am particularly pleased because I have benefited from the excellent advice of the President of the National Forum, Rick Swartz, the Vice President, Phyllis Eisen, and many others associated with this organization. Having had that experience, I know that the ideas I put forward today will be subject to critical analysis and will lead to some creative tension. I welcome this because it is in the competition of the market place of ideas that proposals can be shaped, refined, and the public interest ultimately served.

I would like to suggest 3 ideas for consideration, which will improve our ability to write into law immigration and refugee policies that are workable and consistent with fundamental human rights.

The first idea whose time has come is that in the formulation of legislation in the area of immigration and refugee policy, we would be wise to heed the "World House Theory of International Relations," articulated by Dr. Martin Luther King, Jr. in his seminal book, Chaos or Community: Where Do We Go From Here. Dr. King's thesis of the "World House" was that:

> in a real sense, all life is interrelated. The agony of the poor impoverishes the rich; the betterment of the poor enriches the rich. We are inevitably our brother's keeper because we are our brother's brother. Whatever affects one directly affects all indirectly.

Both morally and intellectually, we cannot afford a policy in any area, particularly in the area of immigration and refugee policy based upon "compassion fatigue." In this area, it is in our self-interest to be humanitarian in purpose and deed. Thus, the United States (US) immigration issues involve matters of foreign as well as domestic policy. What happens abroad affects us at home, and what happens here has international implications.

The second idea whose time has come is that immigration and refugee legislation must be consistent with basic civil rights standards and equal protection under the law for all groups, particularly those acutely affected our hispanic brothers and sisters.

The third idea whose time has come is that black leadership is ready to lead. The Congressional Black Caucus has been in the forefront of the debate over immigration and refugee policy and legislation. As Black Americans, as deeply as we are caught in the struggle to be at home in our homeland of the US, we cannot ignore the larger World House in which we are also dwellers. Black leadership recognizes that all inhabitants of the globe are neighbors and that immigration and refugee issues affect us as they affect all Americans. We--Black, Brown, Red, White, and Yellow--will be altogether working in coalition with all Americans of conscience and understanding.

World House Theory of Immigration and Refugee Policy.

Two fundamental causes are contributing to the desperate flight of immigrants and refugees to our shores, and they must be addressed.

A worldwide neighborhood has literally been created. This is a result of the modern scientific and cultural revolution. People now have access to television, radios, motion pictures, and they can see for themselves that a better live can exist.

Also, a worldwide freedom revolution is taking place. The quest for black political and economic empowerment in Miami is part of that movement. As Dr. King said:

> All over the world like a fever, freedom is spreading in the widest liberation movement in history. The great masses of people are determined to end the exploitation of their races and lands. They are awake and moving toward their goal like a tidal wave. You can hear them rumbling in every village street, on the docks, in the houses, among the students, in the churches and at political meetings. (p.170)

This occurrence should not surprise anyone with a historical perspective. Oppression does not continue forever. Freedom is a human rights. Our own Judaic-Christian heritage is replete with such history and good news.

Many of our immigrants and refugees, for example, are coming in desperation to our shores. They are coming fleeing governments, whether of the left or right, who are against freedom. They have come from Cuba, fleeing a statist dominated economy and a political system which represses fundamental political and civil liberties. Our Jewish brothers and sisters from the Soviet Union have come seeking cultural and religious freedom from a regime that has institutionalized anti-Semitic persecution. Ethiopians in our communities fear to return to a leftist regime which has demonstrated a murderous capability towards those suspected of ideological dissent. Others are fleeing from both economic and political systems such as El Salvador's and Haiti's which concentrate power in the hands of few. In 1967 Dr. King said:

> Everywhere in Latin America one finds a tremendous resentment of the US, and that resentment is always strongest among the poorer and darker peoples of the continent.

> The life and destiny of Latin America are in the hands of US corporations. The decisions affecting the lives of South Americans are ostensibly made by their governments, but there are almost no legitimate democracies alive in the whole continent. The other governments are dominated by huge and exploitative cartels that rob Latin America of her resources while turning over a small rebate to a few members of a corrupt aristocracy, which in turn invests not in its own country for its own people's welfare but in the banks of Switzerland and the playgrounds of the world. (p.175)

I believe the desperate flight of refugees from the Caribbean and Central America will not be halted until the situation described above is addressed.

As Chairman of the Congressional Black Caucus Task Force on Haitian Refugees, I have attempted to address the situation of the Haitian refugees, and I would like to share a little of that experience with you.

In the Task Force my colleagues and I have raised the issue of repression and exploitation on the Island of Haiti to a high level of public recognition in this country. The fact is that when I joined the Task Force--then under the leadership of Congresswoman Shirley Chishholm, the plight of citizens within Haiti was not generally known in this country except in a few congressional districts (where many Haitians live) such as those of former Congresswoman Shirley Chishholm, and new Task Force members, Congressmen Edolphus Towns, Major Owens, and locally, in the District of Congressman Bill Lehman, a colleague of deep compassion and humanity.

There was relatively little attention paid to the repression and brutality that characterizes the lives of the majority of the people of Haiti. Fortunately, more Americans are now aware of the problems and deep disparities which brought a tide of black refugees from Haiti and from other countries to our shores.

In the fall of 1981 it was recognized that we needed to do more than just raise the profile of the issue. It is now almost 2 years ago since the bloated bodies of Haitian refugees washed up on the beaches of Florida. That chilling and horrible scene tugged at the hearts of millions of Americans, particularly Black Americans, who prior to that time had not paid much attention to what we, on the Task Force, had been saying about the need to protect people fleeing to this country from Haiti, and our insistence that our country take a strong position against the corrupt and repressive practices of the Duvalier government.

I attended and spoke at the funeral and witnessed the excruciating pain not only of the immediate families of the victims, but also of the entire community of conscience here in Miami. I will never forget being seated at the funeral in a Catholic church in this city listening to the screams of anguish. At that moment, I decided to approach our then Chairwoman, Shirley Chisholm, to urge that we could no longer wait until our Government changed its racist policy toward Haitian refugees. We had to act forcefully to do something about the conditions in Haiti itself. From that moment we resolved to conduct a face-to-face discussion with the Government of Haiti in order to seek ways in which conditions in Haiti that force people to risk their lives on the high seas and detention in the US could be changed.

I have traveled to Haiti twice in pursuit of nonviolent change in Haiti. Other members of the Congressional Black Caucus also have been traveling to Haiti, signaling to our Government our determination to be involved in the formulation of US policies towards that country. Our emphasis is on the promotion and protection of human rights and the quest for economic justice in Haiti. This effort is under way. We do not know where it will lead us, but we know what the answer is if we do not try.

In addressing the problems of racism, poverty, and violence, which torment our World House and foster the desperate migration we are seeing, we will have to tell the truth in love, face reality with courage and do what is right. Facing reality with courage means that we will have to confront the challenge of racism as identified by W.E. Dubois, who in 1906 prophesied that "the problem of the 20th Century will be the problem of the color line." Few would argue that our treatment of Haitian refugees, and indeed of Haiti itself is free from the decadence or racism. It is imperative that we see racism in its more sophisticated form, institutionalized in neocolonialism in which people of color are denied access to and control over their resources.

First, a change in this situation is necessary if development is to take place, and people are to be able to share in the fruit of their labor, and be able to remain in their own countries. Second, if we are serious about addressing the problem of migration, we must declare an all-out-war against poverty. The wealthy have become all too indifferent and oblivious to the poverty in their midst. The reality is that a great nation is a compassionate nation, and greatness does not come to hose who have no concern for the "least of these." A passionate commitment is needed on the part of the wealthy nations to provide capital and technical assistance to the underdeveloped here and abroad.

Limited aid programs with a project here and there will not be adequate nor will they increase economic development. We must now become long distance runners in the struggle to conquer the universal and ancient enemy of poverty which is driving so many in desperation to our shores. One word of caution comes once more from Dr. King:

> The aid program that I am suggesting must not be used by the wealthy nations as a surreptitious means to control the poor nations. Such an approach would lead to a new form of paternalism and a neocolonialism which no self-respecting nation could accept.

Another issue that must be confronted if we are to have order in the World House and eliminate the type of desperate migration we are seeing is violence in the world. The global neglect of human needs caused by the billions of dollars we spend on nuclear weaponry versus the millions we spend on human needs conditions a world in which hunger, poverty, and ill health are the defining reality for 2-thirds of its people. Our world is in danger of exploding because of this human misery leading to instability and conflict, and which is also conditioning the desperate migration of millions of people from their homes.

The world's military spending dwarfs any spending on development. 1980 military expenditures measured in 1979 constant dollars totaled $595 billion, over half of which is spent by the Soviet Union and the US. This represents a 27% increase over the 1971 figure of $467 billion. On the other hand, annual spending on official development aid is only $20 billion. If only a fraction of the money, manpower and research presently devoted to military uses were diverted to development, the future prospects of the Third World would look entirely different.

There is a moral link between the vast spending on arms and the disgracefully low spending on measures to remove hunger and ill health in the Third World. For instance:

- The program of the World Health Organization to abolish malaria is short of funds; it is estimated that it will eventually cost about $450 million, which represents only 1-thousandth of the world's annual military spending.
- The cost of a 10-year program to provide for essential food and health needs in developing countries is less than half of 1 year's military spending. A modern tank costs about $1 million; that amount could improve storage facilities for 100,000 tons of rice, and thus save 4,000 tons or more annually: one person can live on just over a pound of rice a day. The same sum of money could provide 1,000 classrooms of 30,000 children.
- For the price of 1 jet fighter--$20 million-- one could set up about 40,000 village pharmacies.
- One-half of 1% of 1 year's world military expenditure would pay for all the farm equipment needed to increase food production, and approach self-sufficiency in food-deficit low-income countries by 1990.

The point I am discussing was made very well by the poet John Dunn, who put it in graphic terms and lifted it to cosmic proportions: "No man is an island entire unto itself; but each man is a part of the continent and a piece of the main." He continues saying: "Never ask for whom the bell tolls; it tolls for thee."

It is in this spirit and with this sense of clarity about the reality of our World House that the world's problems, and particularly the dilemmas posed by immigration must be addressed if we are to be successful. This is a precondition for a successful diagnosis and solution.

The Immigration Legislation and Civil Liberties.

The second idea whose time has come is that immigration and refugee legislation must be consistent with basic civil rights standards and requirements for equal protection under the law for all groups, particularly those acutely affected: our hispanic brothers and sisters.

The first critical challenge in structuring immigration legislation must focus on the present disarray in the Immigration and Naturalization Service (INS). The present Service is one characterized by past management neglect under funding, and under staffing. The INS, currently driven by whim, caprice, and lackluster management, is a fragile reed on which to rest decision making which can affect the lives of thousands of persons and their families. The Service cannot enforce existing laws. Of equal importance, it is incapable of processing and adjudicating the applications submitted to it for benefits under the Immigration and Nationality Act leading to permanent residence or naturalization in a reasonably efficient and timely manner. The Washington, D.C. area District Office--considered the flagship office of the Service--lacks sufficient competent and well-trained staff. The staff is overwhelmed by the workload: it takes from 12 months to 3 years to process an application for naturalization. Moreover, the system lacks the personnel and management structure necessary for carrying out the provisions of the law. Many immigrants are effectively barred from gaining permanent resident status and naturalization, thus precluding their ability to gain the eligibility to vote which accompanies citizenship.

Other major civil liberties issues are the retention of the right to judicial review in asylum cases, and the right to legal counsel in summary exclusion cases. These are key issues relating to the rule of law, due process, and equal protection under the law. No immigration bill that dilutes or removes these legal protections is worthy of support. The issue of legalization was addressed in an equitable and practical manner by my colleague, Chairman Romano Mazzoli, by working for the most forward politically possible date, January 1, 1982.

The proposal for employer sanctions, and an expanded H-2 program are matters which my Congressional Black Caucus colleagues and I remain very much concerned about. We are especially troubled by the potentially discriminatory impact of employer sanctions and an expanded H-2 program which could lead to a new bracero or guest worker program. We are ready to address these issues in a spirit of constructive dialogue with other interested parties in the hope that the solutions offered by my colleagues, Congressman Augustus Hawkins and Congressman George Miller, can be considered in addressing these problems. Congressman Hawkins' amendment provides a mechanism for resolving employment discrimination claims which may arise under the sanctions provision of the bill. This amendment establishes the minimum protection necessary to ameliorate the discriminatory impact of employer sanctions.

Other suggestions have been broached relating to the enforcement of fail labor standards by the Department of Labor.

The fact that the general public "selectively assume" that Hispanics, in particular, are illegal aliens, is of overriding importance. Witness the raids on job sited during "operation jobs." The employees targeted during these raids were "dark-skinned and hispanic-looking."

Changes in the current H-2 program made by H.R. 1510, raise the spectre of a new guestworker program. The Caucus believes these changes would increase the chances for exploitation of foreign workers and would result in direct competition for jobs between domestic and foreign workers. Congressman Miller's amendment to the H-2 provisions recognizes the need for a temporary foreign work force where real labor shortages exist while protecting the rights of domestic workers to employment.

It is a matter of principle with me that the debate on immigration and refugee policy be free of the present scapegoating and acrimony that somehow links the crisis confronting our economy with the phenomena of immigration and refugee policy. Unfortunately, this has not been entirely the case. My colleagues and I in the Congressional Black Caucus Task Force on Haitian Refugees are quite aware that there are some pressures on the labor market resulting from the presence of undocumented immigrants and refugees. We are not in need of education from organizations such as the Federation for American Immigration Reform (FAIR) on the suffering caused by unemployment in the communities which we represent. We know the situation only too well! We are also acutely aware that immigrants, especially the undocumented, are easily exploited and victimized. We want immigration reform to be fair, and we want the formulation of legislation to be inclusive and to have the views of all respected. We are fully aware of the efforts of some to cast the issue in terms of race, using the historically familiar refrain that these new immigrants, who just happen to be people of color--from Africa, the Caribbean, and Latin America--are not capable of assimilation into the so-called American "melting pot".

Obviously, our economic crisis will not be solved in any significant way by the resolution of issues involved in the Simpson-Mazzoli Immigration Act of 1983. I, as a representative of the Task Force, testified forthrightly that H.R. 1510 was not a Jobs Bill.

Our economic problems are profound, and involve issues basic to the competitiveness of our economic system. Solving the terrible problems of unemployment requires fiscal and monetary policies which positively affect the labor force; therefore, we must adopt comprehensive measures to revitalize our industrial base. Black leadership should not and will not be diverted by the potential for scapegoating in a national debate on immigration. Rather, black leadership should continue being prophetic in developing constructive economic prescriptions embodied, for example, in the Congressional Black Caucus Constructive Alternative Budgets that can lead to genuine job creation and balanced economic growth.

Moreover, we are clear that the great "crocodile tears" shed by hostile legislators revolve around fundamental political, not economic matters. A bottom line concern of right wing and racist forces in this country is the potential increase in black and brown voting power that could result from the provision of permanent residence and citizenship to immigrants and refugees of color from Africa, Latin America, and the Caribbean.

If we simply take the cases of immigrants from Haiti, Jamaica, and the Dominican Republic, the possibilities are apparent. Many of these immigrants have permanent residence and reside in well-defined sections of New York City, Washington, D.C., in Miami, and other urban areas. The figures from 1957 to 1981 speak for themselves:

- 85,914 Haitians have been granted permanent residence. Out of this figure, 15, 921 have become naturalized US citizens and eligible to vote;
- 179,859 Jamaicans have been granted permanent residence. Out of this figure, 22, 676 have become naturalized US citizens and eligible to vote;
- 211,161 Dominicans, many of whom are Blacks, were granted permanent residence. Out of this figure, 16,521 have become naturalized US citizens and eligible to vote.

Black Leadership Is Ready to Lead on Immigration Issues.

I come to any discussion of immigration policy with a background as a member of the Congressional Black Caucus Task Force on Haitian Refugees in the 96th and 97th Congresses. I am Chairman of that Task Force in the 98th Congress. The work of the Task Force in defending the rights and humanity of the Haitian Refugees--the most recent "black boat people"--helped to raise the whole question of our nation's immigration policies as they affect people of color. My colleagues and I in the Task Leadership

Family; people such as Joseph Lowery, SCLC; Jesse Jackson, residential candidate for the Democratic nomination; Carl Holman, National Urban Coalition; Dorothy Height, National Council of Negro Women, and others have gained insight into the fact that the Haitian refugees were not the only nationality subject to discriminatory treatment from those agencies responsible for immigration and refugee policy, specifically, the INS and the Department of State.

For example, Ethiopians fleeing from repression are held to a different standard than white refugees, who say they are fleeing repressive regimes in eastern Europe. Black and brown refugees from Latin America such as Afro-Cubans and Salvadorans, have received different treatment over white refugees from Latin America. Thus, my Task Force colleagues and others in the Black Leadership Family were presented with another vivid reminder that America is a profoundly racist society. We came to the conclusion that we were not in this struggle alone and that alliances based upon mutual interest and justice were possible and indeed necessary, recent columns by some national black journalists notwithstanding. We, therefore, have resolved to join with hispanic leadership in addressing the racism and discrimination which surround the question of immigration, and to struggle together first, by understanding each others concerns better, and second, by working together on common agendas. Progress in this area was made in the process of structuring and implementing the 20th Anniversary March on Washington for Jobs, Peace, and Freedom. During that March the New Coalition of Conscience, comprised of civil rights, church, labor, women, peace, and environmental groups, adopted a position on immigration legislation that reflected a consensus that any legislation should not contain a potential for endangering the civil liberties and human rights of any Americans and, specifically, our hispanic brothers and sisters.

In response to the continuing bigotry and ill treatment inflicted upon Haitian refugees, many in the Black Leadership Family have engaged over the last few years in marches and demonstrations protesting against the practices of the Department of State and the INS. Together with allies in the church, civil rights, and labor communities, we have become the champions of justice for the Haitian refugees. We are determined to become more active in the formulation of this country's immigration and refugee policies. We have recognized this responsibility and incorporated this mission in the Black Leadership Family Plan for the unity, survival, and progress of black people. On page 38, the Plan provides operational instructions to international affairs organizations in the black nation in America to "support the dignity and equal treatment of African and Caribbean refugees and oppose their continued discriminatory treatment.

We have also said to the decision makers in Congress and the Executive Branch that with regard to immigration and refugee policy, "either cut us in or cut it out."

By bearing in mind this perspective of experience as well as the recognition that there is strength in unity, we seek to work with our hispanic brothers and sisters, the civil rights, church, and labor communities on a coalition effort to produce a just immigration bill.

Conclusion

In the future days, all of us here will be, in some way, engaged in the attempt to structure immigration policies and, perhaps, new or revised legislative proposals and foreign policy approaches. It is my hope that we would do this with a recognition that the World House theory of Dr. King has much to teach us as we address this issue. It is also my hope that in our efforts to structure immigration reform, we will be vigilant in seeing that our proposals do not sacrifice fundamental human and civil rights. I look forward to working with Chairman Mazzoli, who has been forthcoming on the issues of the right to legal counsel, legalization, and who has been willing to give consideration to the views of the Congressional Black Caucus Task Force on Haitian Refugees. Finally, it is my hope that you will join with black leadership in your work and I certainly look forward to that effort.

Thank you for allowing me the opportunity to share with you some of my views.

HIGHLIGHTS OF COMMISSIONER ALAN NELSON'S SPEECH

1) In 1980 South Florida specifically was hit by one of the greatest waves of illegal immigration ever experienced, as follows: 125,000 Cubans arrived, including criminal, drug addicts, mental cases and homosexuals; and more than 15,000 Haitians came illegally in 1980, and 8,000 more in 1981.

2) It is a high priority of this Administration that calamities of this nature never happen again. The American people respect their heritage as a land of immigrants and have no desire to see that tradition destroyed. However, Americans also rightfully expect the Government to control the number and the way in which people enter this country.

3) State Department advises us that the vast majority of Haitians leave their country for economic reasons. Haiti is the poorest country in western hemisphere, with $300.00 annual per capita income. Agricultural production is low and declining, and those leaving in rural areas (80% of the population), suffer high unemployment, lack of social services, illiteracy and abject poverty.

4) Similar, if less severe, problems exist elsewhere in the Caribbean and Central America. Conflict in Central America aggravates the problem, since more than 100 million persons live between the southern border of the United States (US) and the Panama Canal. State Department relates that there are about 30 countries in the world in which armed conflict is now occurring.

5) The United States cannot open its doors to the poor of Haiti any more than it can to all the poor and displaced in the world, who would seek a better life. This has been so since 1921, when numerical limits were established first on immigration. With our responsibilities to the poor and unemployed in the US, these ceilings are as important as they have ever been.

The limits drawn by our laws are rational and workable. There are also clear laws governing admission of refugees and asylees. Those who can demonstrate a well founded fear of persecution based on race, religion, nationality, political opinion or membership in a particular social group, qualify to come to the US as refugees or remain here as asylees. However, those who seek to improve themselves economically do not qualify. This is not new; it has been in effect for many years and applied to all nationalities.

6) Motivation to reach the US for economic betterment is exceedingly strong. Only a decisive US policy, which sends clear signals to other nations, will overcome it. Before 1981, such a policy was sorely lacking.

Our response to protect the integrity of immigration laws must be 2-fold: firm enforcement of our law, and decent, humane treatment of those who succeed in reaching our shores illegally.

7) This Administration's response to uncontrolled, illegal immigration has been forceful, consistent, within the law, and successful. On July 1981, a firm policy was implemented and set forth in the law, as follows: all undocumented aliens of any nationality will remain in detention pending a determination of

their admissibility. Those in detention are free to leave and return to their country. They entered the US illegally, and if they wish to remain and contest their right to be here, they must be legally processed. Besides, delay in processing their cases (thus resulting in long detention) has been, in large part, caused by the lawsuits filed on their behalf.

In October 1981 an interdiction program was instituted in cooperation with the Haitian government.

Additional resources were placed behind the detention policy, and detainees were shifted outside of Florida to relieve crowded conditions at Krome. Detention facilities are being added currently elsewhere around the country. Border patrol has been doubled, and a patrol has been instituted along the inlets and canals.

The Immigration and Naturalization Service (INS) has participated in the task force headed by the Vice President to hit smugglers of drugs as well as aliens.

We have vigorously pursued effective litigation to allow for prompt, fair hearings on claims of illegal aliens and support the actions of the Government.

8) Result of these policies are clear. Haitian arrivals dropped from 2,300/month in 1980 to just 134/month in 1982. At least 200 lives have been saved at sea by removing Haitians from sinking boats. Besides, we have done everything in our power to schedule hearings in Haitian cases.

The Administration has prepared a contingency plan to respond to any threatened massive boatlift. Many hours of planning have involved federal, State and local government.

9) Interdiction has worked well. If there is a credible claim of refugee status, persons are brought to the US for filing a formal asylum application.

Procedures fully meet our international treaty obligations. State Department has received unqualified assurances from Haiti that those returned will not be prosecuted or harassed. State has instituted a monitoring procedures to follow up on returnees. Moreover, Coast guards and INS have handled interdiction in highly professional, competent and sensitive manner.

10) Other problems have cropped up recently: boats are coming from the Bahamas; Bangladesh fly into Bahamas on Commonwealth passport without US visas, and engage a smuggler to bring them by boat to the US. Since November 5, 1982, at least 3 boats have been apprehended carrying more than 70 aliens, including persons from Bangladesh, Iran, India, Haiti, Cuba, Peru, and Nigeria.

11) It is essential that we continue in our determination to enforce the law. We cannot sit back and watch, or allow new and diverse tactics to bring people in unlawfully. We must deal with this issue for what it is: an economic migration.

In the past, when our policies have been weak, illegal migration has increased substantially. South Florida may have been spared some of the difficulties it faces currently, had some of the policies invoked by this Administration been in effect earlier.

12) We want to encourage continued legal immigration following proper procedures. It is not the time to show a

weakening in immigration policies. We must demonstrate to those who try to come here illegally, that we have laws and procedures which must be followed and we are determined to enforce them.

Administration has stated its twin goals of continuing America's tradition of immigration while regaining control of the way people enter. We cannot reward and encourage those who attempt illegal entry. Furthermore, we must and will control the flow of those who come uninvited.